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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF INDIANA,

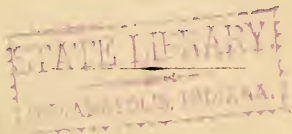
DURING THE

SPECIAL SESSION

OF THE

GENERAL ASSEMBLY,

Commencing Thursday, April 8, 1869.



INDIANAPOLIS:

ALEXANDER H. CONNER, STATE PRINTER.

1869.

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

During the Special Session of the General Assembly of the State of Indiana, begun and held in the City of Indianapolis, on Thursday, the 8th day of April, A. D., 1869, being the day fixed for the meeting of the same, by the following proclamation of the Governor of the State of Indiana, calling the said Special Session :

STATE OF INDIANA, }
EXECUTIVE DEPARTMENT. }

WHEREAS, The General Assembly of the State of Indiana, at its late regular session, failed to pass the necessary appropriations, to carry on the State Government, and to meet the current expenses of the benevolent and other public institutions of the State, and by reason thereof, the public welfare imperatively required that said General Assembly should be convened in Special Session with the least practical delay.

Therefore, I, Conrad Baker, Governor of the State of Indiana, do issue this proclamation convening the General Assembly of the State, in Special Session, and summoning the members thereof, to meet in their respective halls of legislation, in the State House, at Indianapolis, at two o'clock, P. M., Thursday, the 8th day of April, A. D., 1869.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the seal of the State to be hereunto affixed at Indianapolis, this 22d day of March, A. D. 1869.

[L. s.] By the Governor.

CONRAD BAKER.

M. F. A. HOFFMANN,
Secretary of State.

In obedience to the foregoing proclamation, the members of the House of Representatives convened in their hall on the day and hour above mentioned.

The Speaker of the last regular session took the Chair, and ordered a call of the House, when the following members answered to their names :

Those who answered to their names were :

Messrs. Admire, Baker, Barnett, Beatty, Britton, Breckenridge, Buskirk, Chapman, Chittenden, Coffroth, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Huston, Johnson of Parke, Johnson of St. Joseph, Jump, Kercheval, Lamborn, Logan, Mason, Millikan, Miller, Mitchell, Monroe, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Wilson and Mr. Speaker—59.

There being no quorum present,

On motion by Mr. Osborn, the House adjourned until to-morrow morning at nine o'clock.

FRIDAY MORNING, 9 o'clock, }
 April 9, 1869. }

The House met.

The Speaker of the last House of Representatives, regular session, took the Chair, and called the House to order.

The journal of yesterday was read.

The Speaker ordered a call of the House, when the following members answered to their names:

Those who answered to their names were,

Messrs. Admire, Baker, Barnett, Beatty, Beeler, Bowen, Britton, Breckinridge, Buskirk, Chapman, Coffroth, Davidson, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, Mason, Milikan, Miller, Mitchell, Monroe, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vadreman, Vater, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, and Mr. Speaker—57.

No quorum being present.

On motion by Mr. Monroe, the House adjourned until two o'clock this afternoon.

FRIDAY, 2 o'clock P. M.

The House met.

On motion by Mr. Buskirk, a call of the House was had.

Those who answered to their names were,

Messrs. Admire, Baker, Barnett, Beatty, Beeler, Bowen, Britton,

Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Kercheval, Lamborn, Logan, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Wilson, and Mr. Speaker—57.

No quorum being present,

On motion of Mr. Osborn, the House took a recess until five o'clock this evening.

FRIDAY, 5 O'CLOCK P. M.

The House met.

On motion of Mr. Osborn, the House adjourned until to-morrow morning at nine o'clock.

SATURDAY MORNING, 9 o'clock, }
 April 10, 1869. }

The House met.

The Speaker of the last regular session took the Chair, and called the House to order.

On motion, a call of the House was ordered.

Those who answered to their names were,

Messrs. Baker, Beatty, Beeler, Bowen, Breckinridge, Buskirk, Chapman, Chittenden, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Huston, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of Union, Wilson, and Mr. Speaker—52.

No quorum being present,

Mr. Gordon moved that the House adjourn until Monday at 2 o'clock.

Which was not agreed to.

Mr. Osborn moved that the absentees be sent for.

Mr. Vater offered the following as an amendment to the motion made by Mr. Osborn:

Resolved, That the Doorkeeper, with such assistance as may be necessary, is hereby instructed to bring within the bar of this House, with all possible dispatch, the absent members.

Which was agreed to.

And the Doorkeeper was directed to bring in the absentees.

On motion a call of the House was ordered.

Those who answered to their names were,

Messrs. Admire, Baker, Barnett, Beatty, Beeler, Bowen, Britton, Breckinridge, Buskirk, Chapman, Chittenden, Coffroth, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Palmer, Pierce of Porter,, Pirece of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—62.

On motion, the further proceedings under the call were dispensed with.

Mr. Gordon moved that the House do now adjourn until Monday at two o'clock.

Which was not agreed to.

Mr. Wildman moved that the House adjourn until Monday at four o'clock.

Which was not agreed to.

Mr. Mason moved the House do now adjourn until two o'clock this afternoon.

Which was not agreed to.

Mr. Monroe moved that the House adjourn until Monday at ten o'clock.

Which was not agreed to.

Mr. Chittenden moved that the House adjourn until two o'clock this afternoon.

Which was not agreed to.

Mr. Stewart of Ohio, moved that the House do now adjourn until Monday at eleven o'clock.

Which was not agreed to.

Mr. Pierce of Vigo, moved that the House adjourn until Wednesday, one minute past two o'clock.

Which was not agreed to.

On motion by Mr. Buskirk, a call of the House was had.

Those who answered to their names were,

Messrs. Admire, Baker, Barnett, Beatty, Beeler, Bowen, Britton, Breckinridge, Buskirk, Chapman, Chittenden, Coffroth, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, Mason, Millekan, Miller, Mitchell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Rush, Stewart of Ohio, Taber, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Wilson and Mr. Speaker—60.

Mr. Pierce of Porter moved that the House now proceed to the election of officers.

Which was decided to be out of order by the Speaker, as there was no quorum present.

Mr. Monroe moved that the House adjourn until Monday at two o'clock.

Which was agreed to.

The Speaker then declared the House adjourned.

MONDAY AFTERNOON, 2 O'CLOCK P. M., }
 April 12, 1869. }

The House met.

The Speaker of the last Regular Session, Hon. A. P. Stanton, took the Chair, called the House to order, and ordered the Clerk to call the roll of members.

Those who answered to their names were,

Messrs. Admire, Baker, Barnett, Beatty, Beeler, Bowen, Britton, Breckinridge, Buskirk, Chapman, Coffroth, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—61.

There being no quorum present, the Clerk was ordered to call a list of Counties not represented, when the following persons appeared, produced credentials, and were sworn into office, by Hon. A. P. Stanton, Speaker of the last House of Representatives, and took their seats on the floor of the House as members, viz :

From the county of Posey, Magnus T. Carnahan. ✓

From the county of Vanderburg, James T. Welborn, and Leroy Calvert. ✓

From the county of Warrick, Benoni S. Fuller. ✓

From the county of Knox, James D. Williams. ✓

From the county of Daviess, John Hyatt. ✓

From the county of Perry, John C. Shoemaker. ✓

From the counties of Dubois and Martin, Leroy Cave. ✓

From the counties of Crawford and Orange, John C. Bates. ✓

From the county of Washington, John C. Lawler. ✓

From the county of Harrison, Peter M. Zenor. ✓

From the counties of Clarke, Scott and Jefferson, William D. Hutchings. ✓

From the county of Dearborn, Warren Tebbs. ✓

From the county of Ripley, Thomas W. Sunman. ✓

From the county of Franklin, Clement R. Cory. ✓

From the county of Bartholomew, S. J. Barritt. ✓

From the counties of Bartholomew and Shelby, James M. Sleeth. ✓

From the counties of Brown and Jackson, Daniel H. Long. ✓

From the county of Sullivan, N. D. Miles. ✓

From the county of Clay, John C. McGregor. ✓

From the county of Owen, Wiley E. Dittemore. ✓

From the county of Putnam, Willis G. Neff. ✓

From the county of Johnson, Duncan Montgomery. ✓

From the county of Hancock, John Addison. ✓

From the county of Shelby, Isaac Odell. ✓

From the county of Madison, James F. Mock. ✓

From the county of Montgomery, James G. Johnson. ✓

From the county of Cass, Samuel L. McFadin. ✓

From the county of Miami, Jonathan D. Cox. ✓

From the counties of Blackford and Jay, Samuel A. Shoaff. ✓

From the counties of Welles and Adams, James R. Bobo. ✓

From the county of Allen, Allen Zollars, and Benj. D. Miner. ✓

From the county of Whitley, John S. Cotton. ✓

From the county of Marshall, Daniel McDonald. ✓

Mr. Ratliff offered the following resolution:

Resolved, That all of the elective officers of the House who were elected at the regular session in January last, are entitled to hold their respective offices during the official continuance of the present General Assembly.

The question being on the adoption of the resolution,

Mr. Zollars moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question recurring on the adoption of the resolution,

Messrs. Osborn and Ratliff demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barritt, Bates, Beeler, Bobo, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Dittmore, Furnas, Gilham, Gordon, Higgins, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, Mason, McDonald, McFadin, McGregor, Miles, Miner, Mitchell, Mock, Montgomery, Neff, Odell, Palmer, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Sunman, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Knox, Zenor, and Zollars—
62.

Those who voted in the negative were,

Messrs. Barnett, Beatty, Buskirk, Chapman, Dunn, Fairchild, Field of Lake, Field of Lagrange, Greene, Hall, Hamilton, Higbee, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Millekan, Miller, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Stephenson, Stewart of Rush, Stewart of

Ohio, Taber, Williams of Hamilton, Williams of St. Joseph, and Wilson—32.

So the resolution was agreed to.

Mr. Coffroth moved to reconsider the vote just taken.

Mr. McFadin moved to lay the motion to reconsider on the table.

Which was agreed to.

The Speaker submitted the following:

Gentlemen of the House of Representatives:

I desire, at this time, to return to you my sincere thanks for the uniform kindness and courtesy which you have extended to me during our association in this body, and particularly in the relation that has existed between us since my occupation of the Chair. In the beginning I assured you that I could not bring to the discharge of my duties that legislative experience so necessary to one occupying this position, and only promised you that, actuated by an earnest purpose, I would faithfully endeavor to discharge the duties devolving upon me. I trust that I may flatter myself with the belief that you bear me out with the reflection that I have been true to my promise.

Believing that I can represent my constituency quite as well, (and perhaps better,) and confessing that I have found my arduous and responsible duties not altogether to my liking, I desire again to thank you for your many and renewed expressions of kindness and confidence, before carrying out a determination some time since formed; and now, gentlemen, I respectfully resign my position as Speaker of this House.

(Signed)

A. P. STANTON.

By unanimous consent Mr. Gordon took the Chair as Speaker *pro tempore*.

Mr. Pierce of Porter, moved that the House now proceed to the election of Speaker.

Which was agreed to.

Mr. Pierce of Porter, put in nomination Hon. George A. Buskirk.

Mr. McFadin nominated Hon. Mr. Williams of Knox.

There being no further nominations, the Clerk proceeded to call the roll, with the following result:

Those who voted for Mr. Buskirk were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Chapman, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Green, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigr, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, and Wilson—55.

Those who voted for Mr. Williams of Knox, were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Buskirk, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Dittimore, Fuller, Hutchins, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McDonald, McFadin, McGregor, Miles, Miner, Mock, Montgomery, Neff, Odell, Palmer, Shoaff, Shoemaker, Sleeth, Sunman, Tebbis, Welborn, Wile, Zenor, and Zollars—41.

The whole number of votes cast was ninety-six (96); necessary to a choice, forty-nine (49). Of this number Mr. Buskirk received fifty-five (55) votes, and Mr. Williams of Knox, forty-one (41) votes.

Mr. Buskirk having received a majority of all the votes cast, was declared duly elected Speaker.

Whereupon the Speaker *pro tem.* appointed Mr. Williams of Knox, and Mr. Stanton, a committee to conduct the Speaker elect to the Chair.

Upon taking the Chair, Mr. Buskirk said:

Gentlemen of the House of Representatives:

I return you my sincere thanks for the distinguished honor that

you have just conferred on me, in selecting me to preside over your deliberations.

This mark of your confidence I assure you is highly appreciated, and it shall be my highest ambition, by a fair, faithful and impartial discharge of my duties, to continue to merit it. It is not, however, without great diffidence that I proceed to enter upon the discharge of the duties assigned me. Conscious that I do not possess that familiarity with legislative proceedings so essential to enable me to discharge the duties of the Chair in a prompt and efficient manner, and did I not feel that I can safely rely upon your indulgence and assistance, I should shrink from the responsibilities that I am about to assume.

The time allowed us under the Constitution is short, but if it is properly employed will be sufficient to enable us to enact all needed legislation, and I indulge the hope that we will not adjourn until our work is completed. This is demanded of us by every consideration of duty and fidelity to the oath which we have taken.

Mr. Pierce of Porter, offered the following resolution :

Resolved, That the consideration of the ratification of the Fifteenth Amendment proposed to the Constitution of the United States, be postponed to Tuesday, the eleventh day of May next.

Mr. Wildman moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put ?

It was so ordered.

The question being on the adoption of the resolution.

It was agreed to.

Mr. McFadin moved to reconsider the vote just taken.

Mr. Coffroth moved to lay the motion on the table.

Which was agreed to.

Mr. Williams of Knox, offered the following resolution :

Resolved, That the rules of the House of the last Session, shall govern at the present Session.

Which was agreed to.

Mr. Williams of Knox, offered the following resolution :

Resolved, That each member be entitled to the same seat occupied at the last Session.

Which was agreed to.

Mr. Wildman offered the following resolution.

Resolved, That the Senate be notified that the House has organized with George A. Buskirk, Speaker ; William M. Merwin, Clerk ; J. O. Hardesty, Assistant Clerk, and T. C. McCann, Door-keeper, and that the House is now ready to proceed to business.

The question being on the adoption of the resolution.

It was agreed to.

Mr. Dittemore moved that the House do now adjourn.

Which was not agreed to.

Mr. Ratliff moved that a Committee three be appointed to take into consideration and determine the amount of stationery allowed each member.

Mr. Zollars moved to lay the motion on the table.

Which was agreed to.

On motion by Mr. Ruddell, the House adjourned.

TUESDAY MORNING, 9 o'clock, }
April 13, 1869. }

The House met.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has organized by continuing the officers of the last session, as follows:

O. M. Wilson, Secretary.

W. A. Bonham, Assistant Secretary.

John Furnish, Doorkeeper.

Also, that the Senate has passed the following resolution, to-wit:

Resolved, That a committee of three, on the part of the Senate, to act with a like committee on the part of the House, be appointed to inform the Governor that the Special Session of the General Assembly, ordered by proclamation of the Governor, March 22, 1869, is organized and ready to receive any communications he may be pleased to make.

And the President appointed as such committee on the part of the Senate:

Messrs. Church, Bradley and Jaquess.

Mr. Pierce, of Porter, offered the following:

Resolved, That a committee of three be appointed to wait upon the Governor, in conjunction with a like committee, on the part of the Senate, and inform his Excellency, the Governor, that the House is organized, and ready for business.

Which was agreed to.

H. J., Ex. S.—2.

Whereupon the Speaker announced the following committee:

Messrs. Pierce, of Porter, Stanton and Coffroth.

Mr. Fuller presented the claim of Dr. J. R. Tilman, of Newburgh, Indiana, late Assistant Surgeon of the 60th Indiana Volunteers, for \$342 21, for services as such, in 1862.

Which was referred to the Committee on Claims without reading.

Mr. Kercheval presented a petition from citizens of Spencer county, praying for a change in the road law.

Which was referred to the Committee on Roads.

Mr. Brown offered a petition from a number of citizens of Wayne county, praying for the enactment of a law prohibiting the traffic in intoxicating liquors.

Which was referred to the Committee on Temperance.

Mr. Breckinridge presented two petitions from citizens of Randolph township, Tippecanoe county, praying for a prohibitory liquor law.

Which was referred to the Committee on Temperance.

Mr. Higbee presented a petition from sundry citizens of Kosciusko county, respectfully asking the enactment of a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

Mr. Field, of Lagrange, presented a petition from 1,402 citizens of the State of Michigan, praying for the passage of a law requiring owners of water mills on the St. Joseph river to construct weirs for the free passage of the fish up said river.

Which was read and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Higbee presented a petition from James E. Petty, with

accounts and vouchers for injury and damage done to him and property by Indiana volunteers during the war.

Which was referred to the Committee on Claims.

The Speaker announced the following Standing Committees:

ON ELECTIONS,

Messrs. Pierce, of Vigo, Wildman, Dittemore, Gordon, Pierce of Porter, Stewart of Ohio, and Zollars.

ON WAYS AND MEANS,

Messrs. Stanton, Kercheval, Williams of Knox, Breckinridge, Gilham and Carnahan.

ON THE JUDICIARY,

Messrs. Dunn, Osborn, Coffroth, Stephenson, Pierce of Vigo, Field of Lake, and Davis of Floyd.

ON THE ORGANIZATION OF COURTS,

Messrs. Overmyer, Wilson, Welborn, Johnson of Parke, Johnson of Marshall, Ruddell and Cory.

ON BANKS,

Messrs. Kercheval, Greene, Fuller, Davis of Elkhart, Williams of St. Joseph, Beatty, and Shoaff.

Mr. Pierce of Vigo, offered the following:

Resolved, That Messrs. Johnson of Parke, Welborn of Vanderburg, Bobo of Adams, and Wells, be added to the Judiciary Committee.

Which was agreed to.

Mr. Osborn, by consent, offered the following resolution:

Resolved, That the Special Railroad Committee of the last session be continued with all the powers then given.

Which was agreed to.

Mr. Ratliff offered the following :

WHEREAS, Sundry papers taken by this House at its last session are still sent to the House Post Office, and received by the members ; and

WHEREAS, The reception of said papers by the members implies a contract for the same ; and

WHEREAS, This House deems it an unnecessary expenditure of the people's money ; therefore,

Resolved, That each member and officer of this House be allowed one copy daily of the *Indianapolis Journal*, and one copy daily of the *Indianapolis Sentinel*; and the Doorkeeper be and is hereby authorized to contract for and have the same delivered.

Mr. Long offered the following :

Resolved, That a committee of five be appointed to inquire what stationary, stamps and newspapers shall be furnished members, if any.

Which was agreed to.

Which committee was made to consist of Messrs. Long, Pierce of Porter, Ruddell, Coffroth, and Johnson of Parke.

Mr. D. W. Cunningham presented himself within the bar of the House, produced his credentials, and was sworn in by the Speaker, as a member of this General Assembly.

Mr. Pierce of Porter, from the Committee appointed to wait on His Excellency, the Governor, made the following report :

MR. SPEAKER :

The Committee appointed to wait upon His Excellency the Governor, would report that they have performed that duty, and that His Excellency has signified his readiness to deliver a message to the two Houses, in Joint Session, at four o'clock this P. M.

Mr. Pierce of Porter, offered the following resolution :

Resolved, That the Senate be invited to repair to the Hall of

the House of Representatives at four o'clock this P. M., to listen to the Message of His Excellency, the Governor, and that seats be provided for them on the right of the Speaker.

Which was adopted.

Mr. Osborn, by consent, offered the following resolution :

Resolved, That a Committee of five be appointed by the Chair, to revise the rules of the House for their government at the present Session, and that they report at their earliest convenience.

Mr. Zollars moved to lay the resolution on the table.

Which was agreed to.

Mr. Coffroth moved to reconsider the vote taken on yesterday, adopting the Rules of the House.

Mr. Zollars moved to lay the motion on the table.

Which was not agreed to.

The question being on the motion by Mr. Coffroth.

It was agreed to.

Mr. Osborn offered the following resolution :

Resolved, That a committee of five be appointed by the Chair to report rules for the government of the House, and that the rules of the last House be adopted temporarily until further ordered by the House.

Which was agreed to.

Which committee was made to consist of:

Messrs. Osborn, Stanton, Coffroth, Williams of Knox and Pierce of Vigo.

Mr. Osborn offered the following resolution :

Resolved, That a committee of five be appointed by the Chair to report the number of employees necessary for the transaction of the business of the House promptly.

Whereupon the Speaker announced the following committee :

Messrs. Osborn, Hamilton, Johnson of Marshall, McFadin and Odell.

Mr. Vater moved to amend by allowing the same assistants as during the last session.

Mr. Pierce of Porter, moved to lay the motion on the table.

Which was agreed to.

Mr. Higbee offered the following resolution :

Resolved, That H. H. Robinson, Reading Clerk of the last session, is the choice of the House for this session.

Mr. Ratliff moved that the resolution be referred to the Committee on Employees of the House.

Which was not agreed to.

Mr. Barnett moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the adoption of the resolution.

It was agreed to.

Mr. Hamilton offered the following :

Resolved, By the House (the Senate concurring), That a committee of three be appointed on the part of the House, to act with a like committee on the part of the Senate, to invite some minister of the Gospel to open the joint Assembly, at four o'clock this afternoon, with prayer.

Which was agreed to.

Whereupon the Speaker announced the following special committee :

Messrs. Hamilton, Monroe and Calvert.

Mr. Dunn offered the following resolution :

Resolved, That Grandie McArthur be and is hereby appointed a page of this House.

Which was agreed to.

Mr. Stephenson offered the following resolution :

Resolved, That the Clerk of this House be instructed to purchase of W. & J. Braden, one-quarter of a ream of paper for each member of this House, with lithograph heading similar to that upon which this is written.

Mr. Wildman offered the following amendment :

Resolved, That each member of this House be required to furnish his own stationery and postage stamps during the present session of the Legislature.

Mr. Ratliff moved to refer the whole matter to the Committee on Stationery.

Which was agreed to.

Mr. Williams of Hamilton offered the following resolution :

Resolved, That during the present session we dispense with the use of the heating apparatus in the basement of the House, and that we allow the Doorkeeper one extra hand.

Mr. Hamilton moved to lay the resolution on the table.

Which was agreed to.

Mr. Davidson offered the following :

Be it resolved by this House, That each member of this House be allowed to draw upon the State Librarian for stationery to the amount of five dollars, for his own use, and no more, free from charge during the special session of the General Assembly of the State of Indiana.

Mr. McFadin moved to refer the resolution to the Committee on Stationery.

Which was agreed to.

INTRODUCTION OF BILLS.

Mr. Pierce of Vigo, introduced

House bill No. 312. A bill making it a misdemeanor to charge a female with unchastity, or with having had illicit intercourse with a male other than her husband, and prescribing the punishment therefor and declaring an emergency.

Which was read the first time, and referred to the Committee on the Judiciary.

Mr. Stephenson introduced

House bill No. 313 entitled, "A bill to amend an act entitled, an act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children," approved May 6, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Kercheval introduced

House bill No. 314, entitled a bill to amend an act entitled "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlements." Approved January 17, 1862.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Zollars introduced

House bill No. 315, entitled "A bill authorizing the Boards of County Commissioners of the several counties of this State to make appropriations and donations for purposes therein mentioned."

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Williams, of Hamilton, introduced

House bill No. 316. A bill to amend section 16 of an act entitled an "Act to define felonies, and prescribing punishment therefor." Approved June 10, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. McBride appeared within the Bar of the House, presented his credentials, and was sworn into office, as a member of this House.

Mr. Osborn moved that a committee be appointed to take into consideration, the business before the House, from the last regular session.

Mr. Stewart, of Rush, offered the following as a substitute for the motion made by Mr. Osborn :

Resolved, That all business remaining on file in the House at the termination of the regular session be transferred to the files of the present Special Session, and be conducted in the same manner as though the regular session had been continued.

Which was agreed to.

Mr. Monroe moved to take House bill No. 306 from the files and refer the same to a special committee of three.

Which the Chair made to consist of Messrs. Monroe, Williams, of Knox, and Vater.

Mr. Wile introduced

House bill No. 317, entitled "A bill for the protection of manufacturers of cotton and woolen goods within this State."

Which was read a first time, and referred to the Committee on Commerce and Manufactures.

Mr. McDonald introduced

House bill No. 318, entitled a bill to amend section 3 of an

"act providing for the election, and prescribing certain duties of county surveyors." Approved June 17, 1852.

Read a first time, and referred to the Committee on County and Township Business.

Mr. Vater introduced

House bill No. 319, entitled a bill repealing the act entitled "An act to amend the 17th section of the act entitled 'An act providing for the organization of County Boards, and prescribing some of their powers and duties.'" Approved March 4, 1869.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Gordon introduced

House bill No. 320. A bill to amend section 4 of an act entitled "An act to authorize and limit allowances by Courts and Boards and drafts upon County Treasurers." Approved — 18—.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Stanton offered the following :

Resolved, That a committee of three be appointed to procure rooms for the use of the committees of the House, in the State House, if practicable.

Which was agreed to.

Whereupon the Speaker appointed the following committee :

Messrs. Stanton, Pierce, of Porter, and Williams, of Knox.

On motion by Mr. Monroe, the House adjourned.

TUESDAY AFTERNOON, 2 O'CLOCK.

The House met.

Mr. Wilson introduced the following :

WHEREAS, Nat W. Fitzgerald, Assistant Doorkeeper of this House, has honestly, faithfully and efficiently discharged his duty as such, therefore,

Resolved, That it is the sense of the House that he be retained as such Assistant Doorkeeper, for the present session.

Mr. Wildman moved to refer the resolution to the Committee on Employees of the House.

Mr. Cotton offered the following preamble and resolution as a substitute :

WHEREAS, This House, by resolution, has continued all the elective officers of this House in the positions they occupied at the last regular session, and,

WHEREAS, We have also by resolution, reinstated the Reading Clerk of the regular session to the position of Reading Clerk for the House at this session : therefore,

Resolved, That the several Assistant Clerks, Assistant Doorkeepers and Pages of the Regular Session, be continued in their several positions during this session at the same *per diem* they received for similar services at the regular session.

Mr. Higgins moved to lay the substitute on the table.

Which was agreed to.

The question recurring on the motion of Mr. Wildman, to refer to the Committee on Employees.

It was agreed to.

Message from the Senate, by Mr. Wilson, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate

has concurred in the House concurrent resolution providing for opening the Joint Convention of the General Assembly at four o'clock P. M. of this day, with prayer, and as such committee on the part of the Senate, to act with a like committee on the part of the House, to invite some minister for such purpose, the President has appointed,

Senators Hamilton, Hadley and Morgan.

Mr. Monroe offered the following preamble and resolution :

WHEREAS, By resolution of this House, the Reading Clerk of the regular session is retained as Reading Clerk of this session, and,

WHEREAS, For reasons unknown to this body, the Principal Clerk is unwilling to employ him; therefore,

Resolved, That a committee of three be appointed to enquire into the cause of the unwillingness and report as early as practicable.

Mr. Dittmore moved that it be laid on the table.

Which was agreed to.

Mr. Wildman moved to take up House bills on second reading, being read a first time at the regular session, which convened on the eighth day of January last.

Which was agreed to.

House bill No. 156. Entitled a bill creating a lien on real estate sold for taxes by County Treasurers, and for all subsequent taxes paid.

Which was read a second time, amendment adopted, and ordered engrossed for a third reading.

House bill No. 152. Entitled a bill to limit the time for commencing actions for the recovery of land sold for taxes.

Which was read a second time and ordered engrossed for a third reading.

House Joint Resolution No. 5. A joint resolution relative to the finances of the country.

Which was read a second time, with the amendments reported by the committee.

The report of the committee was concurred in and the amendments agreed to.

Mr. Osborn moved to amend by striking out the words "each of," before the words "our Representatives," in the amendment proposed by the committee.

Mr. Stewart of Rush, moved that the whole subject be laid on the table.

Messrs. Miles and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Bowen, Breckinridge, Calvert, Chapman, Davidson, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Mason, Millekan, Monroe, Osborn, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stanton, Stephenson, Stewart of Rush, Taber, Underwood, Vardeman, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Beeler, Bobo, Britton, Carnahan, Carl, Cotton, Cunningham, Davis of Elkhart, Dittemore, Fuller, Hutchings, Hyatt, Johnson, Long, McDonald, McFadin, McGregor, Miller, Miles, Mock, Montgomery, Odell, Palmer, Shoaff, Sleeth, Sunman, Vater, Welborn, Wile, Williams of Knox, Zenor, and Zollars—37.

So the motion to lay on the table prevailed.

Mr. Williams of Knox, moved that House bill No. 311—being the Specific Appropriation bill—be taken up and made the special order for this hour.

Mr. Cox obtained leave of absence for the remainder of the week.

Mr. Stewart, of Rush, moved to amend the motion of Mr. Williams, of Knox, by referring the bill to the Committee on Ways and Means.

Mr. Wiles moved to lay the motion by Mr. Stewart of Rush on the table.

Messrs. Cotton and Miles demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Bates, Beeler, Bobo, Britton, Calvert, Carnahan, Cave, Cotton, Cunningham, Field of Lagrange, Fuller, Hutchings, Johnson of Montgomery, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Mock, Montgomery, Odell, Palmer, Sleeth, Sunman, Wile, Williams of Knox—33.

Those who voted in the negative were,

Messrs. Baker, Beatty, Bowen, Breckinridge, Chapman, Davidson, Davis of Elkhart, Dunn, Fairchild, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Millekan, Miller, Monroe, Osborn, Pierce of Vigo, Ratliff, Ruddell, Sabin, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Taber, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, and Mr. Speaker—45.

So the motion to lay on the table did not prevail.

The question recurring on the adoption of the motion by Mr. Stewart of Rush,

It was agreed to.

House bill No. 176. A bill to provide for a Reformatory Institute for girls and women.

Was read a second time.

Mr. Stewart of Rush, moved to amend the second section by

striking out the word "March," and inserting in lieu thereof the word "May."

Which was agreed to.

The question being on the engrossment of the bill,

It was agreed to.

Mr. Ruddell offered the following resolution:

WHEREAS, General H. B. Carrington, late Commander of the District of Indiana, is within the Hall; therefore,

Resolved, That he be invited to a seat within the bar of the House.

Which was agreed to.

Mr. McFadin introduced the following:

Resolved, That the State Librarian is hereby directed to furnish to the Hon. Speaker elect, a copy of Cushing's Manual of Parliamentary Law—unabridged edition.

Which was adopted.

Mr. Hamilton, from the Special Committee appointed to invite a minister of the Gospel to open the Joint Session Convention at four o'clock, P. M., with prayer, made the following report:

MR. SPEAKER:

Your committee, appointed to invite a minister of the Gospel to open the Joint Convention this afternoon with prayer, beg leave to report that they have invited Rev. C. N. Sims, as such minister.

Mr. Williams of Knox offered the following resolution:

Resolved, That the Joint Rules for the government of the two Houses of the General Assembly of the last session shall govern the present session until legally changed.

Which was agreed to.

House bill No. 194, entitled "A bill to provide for the publication and distribution of the Annual Reports of the Indiana State

Board of Agriculture and of the Indiana State Horticultural Society."

Which was read a second time, and ordered engrossed for a third reading.

House bill No. 64, entitled "An act regulating certain fees of, and allowances to, Sheriffs and Clerks of the Circuit Court designated therein."

Which was read a second time, and ordered engrossed for a third reading.

House bill No. 228. A bill to amend section three of an amendatory act for the regulation of weights and measures, approved June 9, 1852, and declaring an emergency.

Which was read a second time.

Mr. Neff moved that the bill be laid on the table.

Which was agreed to.

House bill No. 154. A bill to authorize Boards of County Commissioners of the several counties in this State to levy taxes for the purpose of making subscription to the capital stock of any railroad company, and providing for the collection of such taxes and the subscription of such stock, and declaring an emergency.

Which was read a second time.

The amendments reported by the committee were read.

The question being on the adoption of the amendments and concurrence in the report of the committee,

Mr. Hyatt moved that the bill be laid on the table.

Which was agreed to.

Mr. Chapman moved to reconsider the vote just taken.

Pending which,

Mr. Stewart of Ohio, moved that the House take a recess of five

minutes, in order to allow the Doorkeeper to arrange for the Joint Convention.

Which was agreed to.

A message was received from the Senate by Mr. Wilson, their Secretary.

MR. SPEAKER:

The Senate has concurred in House resolution to convene in Joint Assembly this day, at four o'clock, to receive the Governor's Message.

The House re-assembled at four o'clock P. M.

JOINT CONVENTION.

The Senate entered the Hall of the House of Representatives, and occupied seats on the right of the Speaker.

Lieut. Governor Cumback in the Chair.

Mr. Stanton moved that a committee of three be appointed to inform His Excellency, the Governor, that the Joint Convention is in session and ready to hear his Message.

The President thereupon appointed

Messrs. Stanton, Pierce of Porter, and Senator Bellamy, as said committee.

Rev. C. N. Sims then opened the Joint Convention with prayer.

After which His Excellency, Governor Conrad Baker, delivered the following message.

Gentlemen of the Senate and House of Representatives:

No one more sincerely than myself regrets the necessity which existed for convening a Special Session of the General Assembly at this time. The duty of calling you together at the earliest practicable period after the termination of the late regular session, was so obvious that I do not intend to occupy a moment of your time in justification or explanation of the proclamation in pursuance of

H. J. Ex. S.—3.

which you are now assembled. By the resignation of seventeen Senators and thirty-five Representatives, two days prior to the last legislative day of the late regular session, the General Assembly was practically dissolved, the quorum being, by said resignations, destroyed in both Houses. When this happened, no appropriations had been made to meet the ordinary expenditures of the State Government for the years 1869 and 1870, or for the support of the benevolent and other public institutions of the State during the same period.

The fact that the General Assembly has, on three different occasions within the last twelve years been disbanded by the action of a minority of its members before the appropriations necessary to carry on the State government and meet the current expenses of the benevolent institutions had been passed, seems to imperatively demand that these absolutely necessary appropriations should be so provided for by a permanent and continuing law that shall be placed beyond and above the demands and vicissitudes of mere party organizations. To this end, I respectfully recommend the passage of an act providing that, whenever the General Assembly, at its regular biennial session, shall fail to pass laws making appropriations for the ordinary expenses of the State government, and for the support of its benevolent and other public institutions, then it shall be competent for the State officers to direct the Auditor of State to draw his warrant on the State Treasury for the amounts necessary for the purposes, not exceeding, however, the amounts appropriated for the same purposes for the last year for which appropriations shall have been made. It would be no difficult matter to frame a law of this kind so as to securely guard the treasury against improper drafts being made upon it, and at the same time protect the public interests against the consequences of a failure on the part of the General Assembly to make these necessary appropriations. In the absence of such a law, whenever the General Assembly fails to pass the necessary appropriation bills, the State government must either cease to perform its functions, and the inmates of the benevolent institutions be disbanded, or loans must be contracted without the authority of law, to enable those functions to be carried on and those institutions to be supported. I think no candid man will dispute the correctness of the proposition that when one branch of the State government

fails or refuses to perform a clear duty which it alone is competent to perform, another branch of the same government should not by such failure be left in a position in which it cannot perform its own duties without assuming powers not conferred by the Constitution and laws. The provision I am asking you to make for all these ordinary and necessary expenditures has long since been adopted in relation to the Institution for the Deaf and Dumb.

By the law governing that institution, ample provision is made for drawing money from the treasury for its ordinary expenses in the event that the Legislature should fail to make the regular biennial appropriation.

At your late session, in passing the general revenue law, you wisely made the tax a continuous one until changed by law. This was, doubtless, done to meet the contingency of a failure to pass a revenue law. I ask that the same principle be adopted respecting such appropriations as are absolutely necessary for the continuance of the State Government and the support of the public institutions of the State.

I trust, now that you are again in session, that you will, without distinction of party, feel that your first and paramount duty is to make the appropriations which the exigencies of the public service so manifestly demand.

The Constitution of the State in terms declares that "it shall be the duty of the General Assembly to provide by law for the support of institutions for the education of the deaf and dumb and the blind, and also for the treatment of the insane."

Every member of this General Assembly, in common with myself, has taken an oath to support the Constitution of which the section quoted is a part. Here, then, is a plain duty, binding upon every member, regardless of his party affiliations or relationship. Now, shall a plain duty like this, concerning which honest, intelligent minds can not differ, be subordinated to or made dependent upon any other question of party politics upon which there may be an honest and an earnest difference of opinion? I trust not. I hope you will, with the least practicable delay, make the necessary appropriations, and especially those required to meet the liabilities

already contracted by the Trustees of the State Normal School, the Commissioners of the House of Refuge, and the Trustees of the Soldiers' Home. The managers of these institutions have been greatly embarrassed by reason of the fact that provision has not been made for the payment of these debts, and the gentlemen who have made advances for these institutions have been put to inconvenience by reason of the non-payment of these advances.

Having, at the opening of the last regular session, given to you such information touching the condition of the State as was thought necessary, and having recommended such measures as were judged expedient, I deem it only necessary to refer you to the message then communicated, instead of restating the same information, and reiterating the same recommendations. I beg, however, before closing, to submit for your consideration a supplemental report of the Trustees of the Soldiers' Home, setting forth the necessity which exists for such an institution, and demonstrating that it should receive from the State a more liberal support than was proposed to be given by the general appropriation bill which passed the House at the last session.

By the Revenue bills passed at the late session, the State Debt Sinking Fund tax was reduced one-half, or from twenty cents to ten cents on each one hundred dollars in value of property, and the State Debt tax proper was reduced one-fourth, or from twenty cents to fifteen cents. This is certainly a satisfactory reduction, and, if local taxation could be reduced in a corresponding ratio, there would be little cause of complaint of the burthens of taxation. With this large reduction, the State will still be in a condition to make all the appropriations contemplated at the regular session, and increase the allowance to the Soldiers' Home to the extent asked for by the Trustees of that Institution. I believe that duty to our disabled soldiers, and to the orphan children of those who have passed away, requires this at our hands. A careful study of the facts stated in the supplemental report of the Trustees will convince any unprejudiced mind of the necessity of such an Institution, and of increased liberality in your appropriations for its enlargement and support.

herewith also respectfully submit for your consideration a sup-

plemental report of the Directors of the State Prison South, showing that, for reasons therein set forth, the finances of said prison are not in so favorable a condition as was represented in the late annual report of the Directors. This discrepancy grows out of the fact, as the supplemental report alleges, that the late Warden had contracted debts on account of the prison, no account of which was contained on the books, and no report of which was made to the Directors. This supplemental report also asks an appropriation for repairs, and shows that the number of prisoners is decreasing, and that Marion county should be reannexed to the Southern Prison District.

Since the close of the last regular session, I have been informed by M. P. Ghee, Esq., one of the Directors of said Prison, that he has accepted an appointment under the General Government, (viz: that of Gauger of Distilled Spirits,) and has qualified, thereby vacating his office of Director of the Prison. I herewith submit a copy of his letter announcing the fact, to the end that you may take such steps to fill the vacancy as to you may seem proper.

I trust you will have a pleasant and harmonious session, and that your deliberations will result in the passage of such measures as will be promotive of the welfare of the State and the happiness of the people.

CONRAD BAKER.

After which the Joint Convention was declared adjourned, by Hon. Will Cumback, President of the Senate and Lieutenant-Governor.

The House was called to order by the Speaker, and

On motion by Mr. Stewart, of Ohio, the House adjourned.

WEDNESDAY MORNING, 9 o'clock, }
 April 14, 1869. }

The House met.

Mr. Vater moved that Mr. Stewart, of Rush, be called to the chair.

Which was agreed to.

Mr. Carnahan moved that the reading of the Journal be dispensed with.

Which was not agreed to.

The Journal was then read and corrected.

Messrs. Bobo, Chittenden and Stephenson asked and obtained leave of absence until next week.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Vater presented a petition from citizens of Marion county, asking for the enactment of a law to lower the salaries of county officers of the State.

Which was referred to the Committee on Fees and Salaries.

Mr. Higbee presented a petition from the citizens of the State, asking a department of Homeopathy in the State University.

Which was referred to the Committee on Education, without reading.

Mr. Welborn presented a petition from sundry citizens of Vanderburg county, praying for a law prohibiting the traffic in intoxicating liquors.

Which was referred to the Committee on Temperance, without reading.

Mr. Wile presented a petition from citizens of the State, asking a department of Homeopathy in the State University.

Which was referred to the Committee on Education, without reading.

Mr. Stanton presented a claim in favor of Julius Bøetticher, for \$346 08, for papers furnished members of the House.

Which was referred to the Committee on Claims, without reading.

Mr. Stanton presented a claim of R. M. Smith, for two days service as Clerk to the Committee on Ways and Means, (\$10).

Which was referred to the Committee on Claims, without reading.

REPORTS OF SPECIAL COMMITTEES.

Mr. Osborn, from the Committee on Employees of the House, submitted the following report:

MR. SPEAKER:

The committee on employees have had the matter under consideration, and direct me to report that the following employees will be needed:

The Speaker to appoint one clerk and five pages.

Chief Clerk to appoint one Reading Clerk, one File Clerk, one Register Clerk, four Engrossing Clerks, three Enrolling Clerks, and one Clerk's page.

The Assistant Clerk to appoint one Minute Clerk and six Journal Clerks.

The Door-keeper to appoint two Assistant Door-keepers, one Postmaster, one Mail Carrier, two Firemen and Sweepers, three Folding Clerks, one Water Carrier and one Privy Cleaner.

Mr. Dittmore moved to strike out "two firemen," and insert "one fireman."

Mr. Johnson, of Parke, moved to lay the motion on the table.

Which was agreed to.

The question recurring on concurring in the report,

It was agreed to.

Mr. Long, from the special committee on stationery, submitted the following report:

MR. SPEAKER:

Your committee on stationery respectfully report that it has had the matters pertaining to stationery for the use of members of the House under consideration, and recommend that the following allowance be made to each member of the House:

Fifteen dollars worth of stationery; the same to include postage stamps.

To each committee such amount as it may require, not exceeding three dollars in value.

To the Clerk and Assistant Clerk such an amount of stationery as they actually require for their official duties, and no more.

And your committee recommend that the Doorkeeper be instructed to procure for the use of each member and Clerks of the House the following newspapers:

One copy each of the *Daily Journal* and *Daily Sentinel*, the same to be wrapped and stamped.

One copy each of the *Daily Commercial* and *Daily Mirror*, the same to be wrapped.

One copy of the *Daily Telegraph*, the same to be wrapped and stamped.

Six copies of the *Weekly Volksblatt*, wrapped and stamped.

Six copies of the *Weekly Zukunft*, wrapped and stamped.

Two copies of Gavin & Hoard's Statutes, and the Acts of the

General Assembly published since the issue of said Statutes, to be kept by the Clerk for the use of the members, and to be returned to the State Librarian after the Legislature shall have adjourned.

To the Clerk and Assistant Clerk, for themselves and their Assistant Clerks, five dollars each in postage stamps.

All of which is respectfully submitted.

Mr. Carnahan moved to amend by striking out "fifteen" and inserting "five."

Mr. Underwood moved to lay the motion on the table.

Messrs. Higgins and Carnahan demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Bowen, Cave, Chapman, Cofroth, Cunningham, Dittemore, Fairchild, Field of Lake, Hall, Hamilton, Higbee, Johnson of Parke, Johuson of Marshall, Jump, Kercheval, Lamborn, Logan, Mason, McBride, McDonald, McFadin, McGregor, Mock, Montgomery, Neff, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoemaker, Skidmore, Sleeth, Stephenson, Stewart of Ohio, Stewart of Rush, Tebbs, Underwood, Wile, Williams of St. Joseph, Wilson, Zenor, and Zollars—50.

Those who voted in the negative were,

Messrs. Addison, Admire, Bates, Beeler, Bobo, Britton, Breckinridge, Calvert, Carnahan, Cotton, Davidson, Davis of Elkhart, Dunn, Field of Lagrange, Furnas, Gilham, Greene, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Lawler, Milikan, Miller, Mitchell, Osborn, Shoaff, Smith, Stanton, Sunman, Taber, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, and Mr. Speaker—38.

So the motion to lay on the table prevailed.

Mr. Welborn moved to amend by striking out all that portion relating to stamps and stationery for members.

Mr. Dittemore moved to lay the amendment on the table.

Messrs. Bates and Higgins demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Beeler, Bobo, Bowen, Britton, Breckinridge, Cave, Coffroth, Cory, Cotton, Cunningham, Davidson, Dittemore, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Hamilton, Higbee, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Long, Mason, McBride, McDonald, McFadin, McGregor, Mitchell, Mock, Montgomery, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoemaker, Skidmore, Sleeth, Stephenson, Stewart of Ohio, Taber, Tebbs, Underwood, Williams of St. Joseph, Wilson, Zenor, Zollars and Mr. Speaker—57.

Those voting in the negative were,

Messrs. Bates, Beatty, Calvert, Carnahan, Chapman, Davis of Elkhart, Dunn, Greene, Hall, Higgins, Hutson, Hyatt, Lawler, Logan, Millekan, Miller, Neff, Osborn, Shoaff, Smith, Stanton, Stewart of Rush, Sunman, Vardeman, Vater, Welborn, Wile, Wildman and Williams of Hamilton—29.

So the motion to lay on the table prevailed.

Mr. Overmyer moved the previous question.

Which was not seconded by the House.

Mr. Pierce of Vigo, moved to strike out all in the report in relation to newspapers, and insert

“One copy each of the *Daily Journal* and *Daily Sentinel*, to be placed on the desk of each member of the House.”

Mr. Hyatt offered the following amendment to the amendment offered by Mr. Pierce:

“Amend by striking out all the papers except the *Journal* and *Sentinel*, and insert three copies of each of the two latter papers, two of each to be wrapped and stamped.”

Mr. Barnett moved to lay the amendment to the amendment on the table.

Which was agreed to.

Mr. Vater moved to amend by giving each member two papers daily, to be selected by himself, by notifying the Doorkeeper which he wants.

Mr. Barnett moved to lay the motion on the table.

Which was agreed to.

Mr. Dittmore moved to strike out "*Journal*" and "*Sentinel*."

Mr. Stewart of Ohio, moved to lay the motion on the table.

Which was agreed to.

Mr. Wildman moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the amendment offered by Mr. Pierce of Vigo.

It was agreed to.

The question recurring on the adoption of the report of the committee.

It was agreed to.

Mr. Dittmore moved to reconsider the vote just taken.

Mr. Johnson of Parke, moved to lay the motion to reconsider on the table.

Which was agreed to.

Mr. Osborn moved that the Clerk be ordered to lay on the desk of each member, a copy of the *Daily Mirror* and *Daily Commercial*.

Which was not agreed to.

Mr. Coffroth offered the following :

Resolved, That the Doorkeeper is hereby instructed to contract for one copy of the *Daily Telegraph*, to be wrapped and stamped ; and, also, six copies of the *Weekly Volksblatt*, to be wrapped and stamped, to be laid upon the desks of the members for their use.

Mr. Pierce of Porter, moved to amend by adding, "and six copies of the *Weekly Zunkruff*."

Mr. Barnett moved to lay the resolution and amendment on the table.

Messrs. Coffroth and Pierce of Porter demanded the ayes and noes.

Tho who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Bates, Beatty, Beeler, Bowen, Britton, Breckinridge, Calvert, Carnahan, Chapman, Davidson, Fairchild, Field of Lagrange, Fuller, Furnas, Greene, Hall, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Jump, Mason, Millekan, Miller, Mitchell, Mock, Montgomery, Osborn, Overmyer, Pierce of Vigo, Ratliff, Sabin, Shoaff, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Tebbs, Underwood, Vardeman, Vater, Wile, Williams of Hamilton, Wilson, and Zenor—51.

Those who voted in the negative were,

Messrs. Admire, Barnett, Bobo, Cave, Coffroth, Cory, Cotton, Cunningham, Davis of Elkhart, Dittemore, Dunn, Field of Lake, Gilham, Johnson of Parke, Johnson of Marshall, Kercheval, Lam-born, Logan, Long, McDonald, McFadin, Miles, Neff, Palmer, Pierce of Porter, Ruddell, Shoemaker, Stanton, Sunman, Welborn, Wildman, Williams of Knox, Williams of St. Joseph, Williams of Union, Zollars, and Mr. Speaker—37.

So the motion to lay on the table prevailed.

The speaker announced the following Standing Committee on Engrossed Bills :

Messrs. Stephenson, Johnson of Parke, Tebbs, Dittemore, Underwood, Field of Lake, and Welborn.

Mr. Underwood, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

Your Committee on Engrossed Bills, to whom was referred House bill No. 310, have compared the same with the original, and find it correctly engrossed.

Mr. Welborn, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

The Committee on Engrossed Bills have examined engrossed House bill No. 67, and find the same correctly engrossed.

INTRODUCTION OF RESOLUTIONS AND BILLS.

Mr. Hamilton offered the following :

Resolved, That a special committee on prisons be appointed by the Speaker, to consist of five (5) members, whose duty it shall be to fully investigate the manner in which the prisons of the State are and have been carried on, and to report to this House as soon as practicable.

Mr. Miles moved to lay the resolution on the table.

Messrs. Field of Lake and Hamilton demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bates, Beeler, Bobo, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Cory, Cotton, Davidson, Dunn, Fairchild, Field of Lake, Furnas, Gilham, Gordon, Greene, Higbee, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Lawler, Lamborn, Logan, Long, McFadin, McGregor, Miles, Mitchell, Montgomery, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Sleeth, Smith, Stanton, Stephenson, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zollars and Zenor—59.

Those who voted in the negative were,

Messrs. Baker, Barnett, Beatty, Bowen, Coffroth, Cunningham, Hall, Hamilton, Higgins, Johnson of Parke, Kercheval, Mason, McBride, Millekan, Miller, Neff, Osborn, Palmer, Pierce of Vigo, Skidmore, Stewart of Ohio, Wile and Mr. Speaker—23.

So the motion to lay on the table prevailed.

Mr. Stephenson offered the following concurrent resolutions :

WHEREAS, The navigation of the Ohio River has been of immense interest to the western trade, and is second in importance to no railroad interest in the country ; and,

WHEREAS, The tendency of Congressional legislation has been to foster the railroad interest by subsidies and land grants, and the navigation of said River is obstructed in various ways, therefore, be it

Resolved, That the House of Representatives, the Senate concurring, that our Senators be instructed, and our Representatives in Congress requested, to use their influence and votes to greatly reduce, and if expedient, to entirely abolish the exorbitant tolls now charged on navigation through the Canal around the falls of the Ohio River, at Louisville, Kentucky.

Resolved, That a copy of these resolutions be transmitted by the Governor to our Senators and Representatives in Congress.

The question being on the adoption of the resolution.

It was agreed to.

Ordered, That the Clerk inform the Senate of the same.

Mr. Coffroth offered the following :

Resolved, That the Committee on Prisons, of the late regular session, are hereby instructed to report the result of their investigation of the affairs of the State Prisons, this afternoon at two o'clock P. M.

Which was agreed to.

ORDER OF THE DAY.

Senate bills on first reading.

Senate bill 290. A bill creating the Twenty-sixth Judicial Circuit, and fixing the times of holding Courts therein, and fixing the time of holding the Courts in the Fourth Judicial Circuit.

Which was read a first time.

Mr. Cory moved that the bill be referred to a special committee from the District affected by the change.

Which was agreed to.

Engrossed Senate bill No. 94, entitled "A bill touching the consolidation of railroads, and declaring the effect of such consolidations," was received from the Senate with the following message:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has concurred in section nine of engrossed amendments of the House to Senate bill No. 94, and that the Senate refuses to agree to amendments of the House to section three, and additional sections six, seven and eight.

Mr. Coffroth moved that the bill and amendments be referred to a special committee on railroads.

Which was agreed to.

Engrossed Senate bill No. 5, entitled "A bill to amend the first section of an act to declare abandoned certain unfinished railroads, and to prescribe for their completion; to declare forfeited the franchises of certain railroad companies, and for the assessment of the value thereof; for the organization of new companies, and for making annual settlements," approved March 11, 1867; and the failure of any company to have formed the preliminary organization contemplated by the first section of the act entitled "An act to provide for the organization of railroad companies," approved

May 4, 1852, shall not invalidate such organization if otherwise in conformity with the same.

Which was read a first time, and referred to the Committee on Railroads.

Senate joint resolution No. 13, authorizing the Governor to collect, by suit from the Terre Haute and Indianapolis Railroad Company, all claims, dues and demands rightfully owing to this State.

Which was read a first time, and referred to the special committee on railroads.

Senate bill No. 270. A bill to provide for the payment of certain claims for ditching swamp lands out of the General Swamp Land Fund.

Which was read a first time, and referred to the Committee on Swamp Lands.

Engrossed Senate bill No. 292. A bill to transfer the county of Brown from the First to the Second Judicial Circuit; to provide for the time of holding courts therein, and to repeal all laws in conflict with this act, and declaring an emergency.

Which was read a first time, and referred to a committee composed of members of the district.

Senate bill No. 146. A bill to authorize turnpike companies to construct branch roads.

Which was read a first time, and referred to the Committee on Roads.

Engrossed Senate bill No. 8. A bill to prevent prize fighting in Indiana, defining the same, providing punishment therefor, and declaring an emergency.

Which was read a first time.

Mr. Vater moved that the bill be laid on the table.

Which was agreed to.

Engrossed Senate bill No. 83. A bill to amend section 2 of an act entitled "An act making the Register of sales of Michigan Road Lands, and certified copies of entries therein evidence, and declaring the effect thereof, and making the records and patents and certificates of purchase, and other evidence in writing of the sale of real estate, and certified copies of such records, evidence, and declaring the effect thereof;" approved March 9, 1859.

Was read a first time, and referred to the Committee on Roads.

Engrossed Senate bill No. 84. A bill to repeal section 31 of an act entitled "An act concerning real property and the alienation thereof;" approved May 6, 1852.

Was read a first time, and referred to the Committee on the Judiciary.

Engrossed Senate bill No. 95, entitled "A bill to amend section 303 of an act to revise, simplify and abridge the rules, practice and pleadings and forms in civil cases in courts in this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity.

Was read a first time, and referred to the Committee on the Judiciary.

Engrossed Senate bill No. 105. A bill to repeal an act entitled "An act to amend an act in relation to County Treasurers, approved June 4, 1852, and declaring an emergency;" approved March 6, 1865.

Was read a first time, and referred to the Committee on the Judiciary.

Engrossed Senate bill No. 110. A bill to create the Twenty-fifth Judicial Circuit, providing for the appointment and election of a Judge and Prosecuting Attorney therein, and providing for their compensation, declaring the jurisdiction of the courts in said circuit, and providing for a transfer of actions thereto.

Was read a first time, and referred to the Committee on the Organization of Courts.

Engrossed Senate bill No. 131. A bill to legalize and declare valid and effectual all the orders, judgment and proceedings made, rendered and had, and held by and before the Court of Common Pleas, of White County, in this State, beginning and held at the Court House, in the town of Monticello, in said county, on the 23d day of March, 1868, and continuing from day to day for two weeks thereafter, and declaring an emergency.

Was read a first time, and passed to a second reading.

Engrossed Senate bill No. 217, entitled "A bill regulating the fees of county officers, and declaring an emergency."

Was read a first time.

Mr. Williams of Knox, moved that the bill be referred to a committee consisting of one from each Congressional District.

Mr. Bobo moved to amend by referring the bill to the Committee on the Judiciary.

Which was agreed to.

Senate bill No. 211. A bill defining what counties shall constitute the Eighth Judicial Circuit, and fixing the terms of holding the courts therein.

Was read a first time, and referred to the Committee on Organization of Courts.

Engrossed Senate bill No. 30. A bill providing for the collection of forfeited recognizance.

Was read a first time, and passed to a second reading.

* Engrossed Senate bill No. 64. A bill authorizing voluntary associations formed under an act entitled "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto, passed February 12, 1855, and to acquire title to lands that have heretofore been used as burial places."

Was read a first time, and passed to a second reading.

Mr. Neff moved that the House do now adjourn.

Which was agreed to.

TUESDAY AFTERNOON, 2 O'CLOCK.

The House met.

The Speaker announced the following Standing Committee on State Prisons:

Messrs. Ruddell, Lamborn, Barritt, Hamilton, Monroe, Davis of Elkhart, and Cory.

Mr. Ruddle from the Committee on State Prisons submitted the following report:

MR. SPEAKER:

The Committee on the Affairs of State Prisons to whom was referred that portion of the Governor's Message relating to said Prisons, the reports of the Directors and accompanying documents, and to whom was assigned the duty of visiting said Prisons, and personally examining the same, the books and accounts of the officers, and all other matters pertaining thereto, beg leave to submit the following report:

1. *As to the Affairs of the State Prison South.*

The Committee have visited said Prison, and made a careful and minute examination of the same. They find the buildings, or so much thereof as comprise the cell house, old, and constructed seemingly with a view to render confinement therein an insufferable punishment, so little regard being paid in the original plan of construction, to light, or ventilation. At the suggestion of the Visiting Committee of the last General Assembly, and in pursuance of instructions from the Directors, the late Warden devised and executed a plan by which air is admitted to the cell apartments through large pipes at the bottom of, and extending through the walls, which makes the condition of the inmates much more tolerable than before. But there is still no means of escape for the vitiated air from the cells, except through the door. This compels a liberal and constant use of disinfectants in the surrounding halls. It is to be hoped the Directors and Warden may fall upon some plan for the better ventilation of these apartments.

There are three hundred and forty-four cells in the male department, and sixteen in the female, making in all, three hundred and sixty. There were, December 15th, 1868, four hundred and five convicts in the prison.

While the Committee believe with the Directors, that there is ample shop room now in the institution for the profitable employment of six hundred convicts, they do not believe the cell room sufficient for so great a number.

The Committee find the workshops capacious and conveniently arranged, as well for the health and comfort of the convicts, as for their employment in the most profitable manner, in the various manufactures which the contractors have introduced and are now successfully operating. The Committee saw the prisoners at work, and could see no good reason why their labor should be so cheaply rated, but on the contrary think that with good discipline it might be advanced fifty, if not one hundred per cent. above what it now commands. The prisoners are tasked according to their capacity. Any one able and willing to do more than his task, is allowed for his over-work at the same rate which is paid to the State.

At first thought, this system would seem to be just, and indeed, would seem to afford an incentive to the convict to make an effort to ameliorate his own condition in some measure, by providing himself with such little comforts and luxuries, as could be procured by his over-work. But after conversing with the convicts, and with gentlemen experienced in prison discipline, and after careful investigation of the subject, the Committee are driven to the conclusion that if any task should be imposed, it should be one uniform task for all, but they think any task system productive of discontent and destructive of discipline.

The Committee would recommend, that on condition of the advance in price of five cents per day for each man employed by contractors, the task system be abolished, and the convicts worked from bell to bell, that no contractor be allowed to give tobacco or anything else to convicts, and that each convict at the expiration of each week, on showing a good record for deportment, be allowed

fifty cents by the Warden out of the proceeds of the prison, the same to be forfeited for bad conduct, and to go into the State Treasury.

The prisoners are well supplied with good and wholesome food, and are well clothed.

The Committee were well pleased with the condition of the hospital and appointments—better, perhaps, than with any other part of the institution—which fact, together with the small number of patients (6), and they convalescent, speak in such terms of commendation of the physician as to render any further mention from the Committee unnecessary.

The Committee paid their respects to the Chaplain, whose sympathies are fully enlisted in the important work in which he is engaged, and no better evidence need be given that he practices the Christian virtues which he recommends to those committed to his charge, than the patience and forbearance displayed while exhibiting to the Committee the facilities afforded him in the prosecution of his labors, in the shape of a library, which is a scandal and a libel upon the liberality of the State.

The Committee would most earnestly urge the appropriation of at least \$1,000 to the State Prison South for library purposes. This amount, though a mere pittance, will give temporary relief, and will form a nucleus around which it is to be hoped may be gathered the proceeds of annual appropriations until a library sufficient for the purpose, and creditable to the State, shall be provided.

Financially, the State Prison South has not yet proven a success. The Director and Warden have made an effort to make it self-sustaining. They have reduced the expenses considerably, and are deserving of credit accordingly. So eager have they been to place the Prison on an independent footing that they represent in their report that they have at last reached the goal of prison management, and proclaim the institution a little more than self-sustaining. But the Committee can not get the same result from the same figures.

By reference to the Clerk's statement of the amount of assets over and above liabilities from the 15th of December, 1867, the amount is found to be \$25,817 80. The same statement for the 15th of December, 1868, shows the amount of assets over liabilities to be \$17,846 40—showing a loss during the year of 1868 of \$7,971 40. This, however, does not show the entire deficit. It will be remembered that on the fifth page of the Report of the Prison South there is a statement of bills rendered since the close of the fiscal year, but which properly belongs in the account of 1868, amounting to \$2,733 58. It will also be remembered that the amount paid for permanent improvements under the protest of the Warden was not suffered to enter into the Prison account, which amount was \$4,000. The contractors demand of the State, in addition to the amount stipulated and paid for cost above the amount received from Director, \$1,300.

Bills for lumber, etc., not reported till after the 1st of January, and not shown in prison account, amounting to about \$1,000. Rent, for lease of land, unreported, \$400. Total deficit for year ending December 15, 1868, \$17,404 98. Deduct from that the amounts for permanent improvements, the \$4,000, \$1,300 and \$2,235 08, or \$7,535 08, and you will find the excess of current expenses over the receipts to be \$9,869 90.

This exhibit is by no means encouraging, and in fact was absolutely startling to the Committee, and in no wise are they able to account for it, save on the ground of extravagance in purchases of provision, medical stores, etc., and the seemingly unrestricted license given the Warden under the head of perquisites. To instance, under the latter head :

1. The Warden has, under the sanction of custom, it is said, boarded a number of guards, furnishing his table, in a large measure, from provisions belonging to the prison.

2. The gas used for the illumination of the Warden's mansion, and, perhaps, in some cases, the fuel necessary for heating the same.

3. The keeping of a number of horses and cows at the expense of the State.

4. The services of convicts about the Warden's house and stable as servants, usually two men and three women.

5. The offal from the prison, sufficient to fat, from twenty-five to one hundred hogs per year.

These items, when considered separately, are by no means inconsiderable or insignificant; but, when summed up, it will not be difficult to account for a large portion of the deficit shown in the prison account. The law does not allow any perquisites to any prison officer. And in this connection the committee will state that they have submitted an amendment to House bill No. 217, which, if adopted, will prevent this reckless squandering of the State's means, and, if strictly enforced, will make the State Prisons, not only self-sustaining, but, as claimed by the friends of the bill, make them a source of revenue to the State.

Very grave charges were presented to the committee against officers and guards formerly in charge of the prison, of drunkenness, and treatment of prisoners, prostitution of female convicts, and demoralization generally. Although the parties charged were no longer connected with the institution, and were beyond removal or impeachment, yet, the committee, to satisfy themselves in regard to these alleged abuses and outrages upon humanity, law and order, caused witnesses to be brought before them to testify concerning the same. Loth as the committee were to believe, the evidence compelled the conviction that many of these charges were true, though not to the extent alleged in the exaggerated report which has found its way into the newspapers. There is no proof in evidence justifying the statement that convicts have died from the effects of whipping. That cruel punishments have been inflicted, there is no doubt.

The committee most earnestly commend to the favorable consideration of the House, the proposition urged by the Governor, and by the people, for the erection of separate buildings, suitable for the imprisonment of females. Justice, humanity, and the higher sentiments of our civilization, demand that this be done.

The Committee would take this opportunity to make honorable mention of Colonel Shuler, the present Warden. The wonderful

change wrought in the short space of a few weeks in the general *morale* of all confined in or connected with the prison, the universal expression of satisfaction of both convicts and contractors, and the entire absence of complaint, and the greatly improved discipline and order manifest in every department, make him a man pre-eminently fitted for the place.

The Committee will now call attention to the condition of affairs of the State Prison North. They found this Prison in splendid condition. No time need be occupied in speaking of the buildings and their admirable appointments. The convicts were in good health, well fed, well clothed, as cheerful as men could be expected to be in a State Prison.

The Warden is an able and efficient officer.

The Directors have evidently looked after the interests of the State more sharply than has heretofore been the custom of Prison Directors. But the Committee must make the same suggestion to the Directors North as has been made to those South, viz.: That the law contemplates no perquisites of any description whatever to any one. The practice of appropriating the offal, using State property for private purposes, (to-wit: occupation of a house belonging to the State by a guard, and using it as a boarding-house for other guards, without paying the State rent therefor,) &c., &c., prevail at the Prison North, as well as at the Prison South.

The Prison has no library, and needs an appropriation therefor.

On the return of the Committee from the Prison North, a communication was found in waiting from Colonel J. B. Merriwether, of Jeffersonville, making some charges against F. M. Meredith and M. P. Ghee, Directors of the State Prison South—charges new to the Committee—not having been preferred during their visit to said Prison. Ascertaining that the Senate Committee were at the Prison South, it was thought advisable to await their return to Indianapolis.

On the return of the Senate Committee, a resolution was introduced in each House authorizing a sub-committee from each to

visit the Prisons and investigate further into the affairs of the same.

The House sub-committee, therefore—Davis, Field and Long—being unable to go at the time fixed by the Senate Committee, the Chairman of the House Committee, and Mr. B. F. Williams, of the House Committee, at the request of the Chairman, accompanied the Senate Committee. They met two of the Directors at Jeffersonville—Mr. Ferrier, a Director of last year, and Mr. Meredith and his attorney.

The Committee found that the charges, as set forth in Colonel Merriwether's testimony, were substantially as follows:

1. That F. M. Meredith and M. P. Ghee, while Directors of the State Prison South, did demand of and receive from Colonel J. B. Merriwether various amounts at various times, amounting in all to \$750 each, for the privilege of being retained as Warden in said Prison.

2. That the said F. M. Meredith while Director of said Prison, did engage himself to one John T. Matthews, a convict in said Prison, to procure a pardon for said Matthews, for and in consideration of a fee stipulated to be paid him (Meredith) by said John T. Matthews.

The Committee caused a number of witnesses to be brought before them to testify to the above charges, and allowed an opportunity to the accused to be heard in their defense.

After carefully weighing all the evidence and listening to the argument of the attorney for the defense, the two Committees were unanimous in the opinion that the charges were in the main sustained by the evidence, which is herewith submitted; and the Committee are, therefore, unanimous in the opinion that the said F. M.

Meredith and M. P. Ghee ought to be removed for misdemeanor committed in office.

(Signed)

J. H. RUDDELL,
S. J. BARRITT,
J. LAMBORN,
C. R. CORY,
E. C. FIELD,
H. G. DAVIS,
W. Y. MONROE.

Which was laid on the table.

Mr. Ruddle offered the following preamble and resolution :

WHEREAS, The Senate and House sub-committees on the Affairs of State Prisons, in their investigation of the charges against certain Directors of the State Prison South, made that investigation jointly, and had but one copy of the evidence prepared, believing that to be sufficient for the use of both Committees, which copy was submitted by the Chairman of the Senate Committee together with his report to the Senate; and,

WHEREAS, The Senate refused to allow said copy to be withdrawn for the use of the House Committee; therefore,

Resolved; That the Senate be requested to furnish a copy of said evidence to this House.

Which was agreed to.

Ordered, That the Clerk inform the Senate of the same.

Mr. Ruddle offered the following supplemental report from the Committee on Prisons:

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, 1ST DISTRICT, INDIANA, }
VINCENNES, April 8th, 1869.

TO HIS EXCELLENCY, GOVERNOR C. BAKER:

SIR:—Having accepted a Federal appointment and qualified, the office of Director of the State Prison South, heretofore held by

me, is vacant. This you will officially communicate to the Legislature at the session which convenes to-day.

I am very respectfully, your obedient servant,

(Singed.)

M. P. GHEE.

INDIANA STATE PRISON SOUTH, }
JEFFERSONVILLE, April 6, 1869. }

TO HONORABLE CONRAD BAKER:

SIR:—In view of the special session of the Legislature, about to convene, and the developement of important facts concerning Prison officials since our last report, we deem it important to present for your consideration the following:

The laws of the State confer on the Warden the sole power of making all contracts for Prison supplies, without any limitation or hinderance from the Directors, and hence the latter can never know what are the expenditures, or liabilities of the Prison, except from the accounts and statements of the Warden and his clerk. On this basis, and relying on the correctness of the representations of the late Warden, it was that the Directors, in their annual report, declared the Prison to be self-sustaining. But on a thorough examination of the affairs with the assistance of the Warden, they regret to find it otherwise. As a specimen of the deception of the figures given them, they would call attention to the fact that the Warden's figures are based on the cash receipts and disbursements, not taking his liabilities or loss of invoices, of provisions, &c., when the Clerk's tables show a large falling off.

A thorough overhauling of accounts show, that the total earnings of the Prison for the last year was fifty-four thousand two hundred and seventy-three dollars and seventy cents, (\$54,273 70,) while the expenditures were sixty-two thousand, two hundred and forty-five dollars and ten cents, (\$62, 245 10,) showing a deficit of seven thousand, nine hundred and seventy-one dollars and forty-six cents, (\$7,971 46.) Of this amount, \$4,432 02, is chargeable to account of repairs. But there must be added \$1,009 24 of accounts of the late Warden, presented since his resignation, and of which neither the Clerk nor Director, had previous knoweledge, leaving the real deficit, \$5,208 52.

The number of prisoners reported was four hundred and five, showing that each prisoner costs the State \$12 80 per year, more than is earned.

The New York State Prison, at Auburn, reports to the Legislature, a deficiency of \$35 per man, while in the Sing Sing Prison the deficiency is still greater, being nearly \$100 to one thousand two hundred and ninety-three convicts.

It must be remembered, further, that nineteen of our convicts are females, whose labor is not profitably employed. In New York the female department costs \$29 50, and leaves less than \$5,000.

We feel compelled to say that the statement in the annual report of the Board, that, in all probability no extensive repairs would be required for several years was unadvised. On a thorough examination of the buildings, we find the roofs, spouting, and other portions, in bad condition. In fact the original construction was defective, and signs of dilapidation are apparent in various parts, which require immediate attention, or else will involve large future expenditures. We would ask from the Legislature an appropriation of \$5,000 for repairs for the current year, and if the members are not satisfied of its necessity, we ask them that their Committee on Prisons may be instructed to make a personal examination. That body will, of course, feel it necessary to make the usual appropriations for unexpected contingencies, which, however, we hope we shall have no occasion to use.

We would again call attention to the fact that the number of prisoners in our charge is decreasing. We should be glad to record this fact, if it were an evidence of a decrease of crime; but while our numbers are diminished far below the capacity of our prison and workshops, and is one cause of our failure to meet all our current expenses, the number of convicts in the Prison North, is increasing beyond their means of profitable employment. This is a loss to the State, and can be easily remedied by again transferring Marion county.

We also feel it to be our duty to call attention again to the abso-

lute need of a library for the use of the convicts. We would not be importunate, but the honor of the State and the good of the prisoners, are equally involved; and we feel that the matter should not be delayed. The State can not invest a thousand dollars to a better advantage.

All of which is respectfully submitted.

W. W. CURRY,
F. M. MEREDITH,
Directors of State Prison South.

Mr. Stewart, of Rush, moved that the supplement to the report be laid on the table.

Which was not agreed to.

Mr. Williams of Knox, moved that it be referred to the Committee on Prisons.

Which was agreed to.

Mr. Vater moved to take up engrossed Senate bill No. 64, "A bill authorizing voluntary associations formed under an act entitled "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto," passed February 12, 1855, to acquire title to lands that have heretofore been used as burial places, and refer it to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Osborn moved to amend by referring the bill to the Committee on Corporations.

Which was agreed to.

Engrossed Senate bill No. 223. A bill appropriating the sum of fifteen thousand dollars for the completion of the building now occupied by the officers of State and Supreme Court, and belonging to the State, and for paving the sidewalks fronting and around the same.

Was read a first time, and referred to the Committee on Ways and Means.

Engrossed Senate bill No. 234. A bill to legalize and declare valid the acknowledgment of certain deeds of conveyance and other instruments in writing which have been recorded in any of the Recorders' offices of the several counties of this State, and which by reason of certain informalities in the certificates of acknowledgment or the authentication thereof, were not entitled to record.

Was read a first time, and referred to the Committee on the Judiciary.

Engrossed Senate bill No. 238. A bill to amend section No. 200, of Chapter one, of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity, approved June 18, 1852, and declaring an emergency.

Was read a first time, and referred to the Committee on the Judiciary.

Engrossed Senate bill No. 89. A bill to amend an act entitled "An act to enable the owners of wet lands to drain and reclaim them, where the same can not be done without affecting the lands of others; prescribing the powers and duties of County Boards and County Auditors in the premises, and repealing all laws inconsistent herewith; approved March 11, 1867; by amending sections three, four, five, six, nine and eleven, and adding section sixteen to provide for entering satisfaction of liens acquired under said act.

Was read a first time, and referred to the Committee on County and Township Business.

Engrossed Senate bill No. 239. A bill authorizing the classification of the Board of Directors of Railroad Companies.

Was read a first time, and referred to the special committee on railroads.

Engrossed Senate bill No. 255. A bill to save pending suits

affected by the passage of the act of 1865, and to repeal sections forty-three and forty-four of the Will law of 1852.

Was read a first time, and referred to the Committee on the Judiciary.

Engrossed Senate bill No. 286. A bill supplemental to an act entitled an act to incorporate the Franklin Insurance Company, approved February 13th, 1851, authorizing said company to change its place of business, to increase its capital stock, and contract for and increase the rate of interest established by law.

Was read a first time, and referred to the Committee on the Judiciary.

Engrossed Senate bill No. 161. A bill to provide for the organization of Savings Banks, and the safe and proper management of their affairs.

Was read a first time, and referred to the Committee on Banks.

Mr. Long moved to reconsider the vote on the appointment of a committee on House bill No. 292, so as to make the number of the committee smaller.

Which was agreed to.

Mr. Long moved to refer the bill to a special committee of five.

Which was agreed to.

Mr. Stephenson, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

Your Committee on Engrossed Bills beg leave to report that they have compared engrossed House bill No. 136 with the original, and find the same correct.

The Speaker announced the following special committee on Senate bill No .290 :

Messrs. Cory, Stewart of Rush, Williams of Union, Gilham, Sleeth, and Tebbs.

The Speaker announced the following committee on Senate bill No. 292:

Messrs. Davis of Floyd, McBride of Clark, Hutchings of Scott, Long of Jackson, Brown, Lawler of Washington, Bates of Orange, Zenor of Harrison, and Dunn of Lawrence.

SENATE BILLS ON SECOND READING.

Engrossed Senate bill No. 247. A bill fixing the times of holding Circuit Courts in the Fifth Judicial Circuit, prescribing the length of terms thereof, and repealing all laws in conflict herewith.

Was read a second time.

Mr. Stanton moved to refer the bill to a special committee of members from the district.

Which was agreed to.

Senate bill No. 279. A bill to reorganize the Ninth Judicial Circuit, providing for the times of holding Courts therein, repealing all laws in conflict therewith, and declaring an emergency.

Was read a second time, and on motion, was referred to a special committee of five.

SENATE BILLS ON THIRD READING.

Engrossed Senate bill No. 48. A bill providing for the protection of the banks of water courses, by securing the bushes growing along said banks from the ravages of stock.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Bates, Beatty, Beeler, Bowen, Breckinridge, Calvert, Carnahan, Chapman, Cory, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Gilham,

Greene, Hall, Hyatt, Johnson of Parke, Jump, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McDonald, McFadin, Millekan, Miller, Mitchell, Mock, Montgomery, Osborn, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoemaker, Sleeth, Stephenson, Stewart of Ohio, Sunman, Taber, Underwood, Vater, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson, Zenor, and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Cotton, Davidson, Furnas, Hamilton, Johnson of Montgomery, McBride, Neff, Palmer, Shoaff, Skidmore, Smith, Stanton, Stewart of Ohio, Tebbs, Vardeman, and Zollars—16.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

The Speaker announced the following special committee on Senate bill No. 279:

Messrs. Field of Lake, Davidson, Pierce of Porter, Wile, Beatty, Williams of St. Joseph, Johnson of Marshall, McDonald and Barritt.

Engrossed Senate bill No. 17. A bill to regulate the sale of patent rights, and to prevent frauds in connection therewith.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Bates, Beatty, Beeler, Bowen, Britton, Breckinridge, Calvert, Carnahan, Chapman, Coffroth,
H. J. Ex. S.—5.

Cory, Cotton, Cunningham, Davidson, Davis of Elkhart, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McBride, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Montgomery, Neff, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Varde-
man, Vater, Welborn, Wile, Wildman, Williams of Knox, Wil-
liams of St. Joseph, Williams of Union, Zenor, Zollars, and Mr.
Speaker—80.

Mr. Williams of Hamilton, voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed Senate bill No. 58. A bill to amend section 16 of an act regulating the fees of officers, and repealing former acts in relation thereto; approved March 2, 1855.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Barnett, Barritt, Bates, Beeler, Bobo, Bowen, Brit-
ton, Breckinridge, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton,
Cunningham, Davidson, Davis of Elkhart, Fairchild, Field of Lake,
Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hig-
bee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery,
Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler,
Lamborn, Logan, Long, Mason, McBride, McFadin, McGregor,

Millekan, Miller, Miles, Mitchell, Mock, Montgomery, Neff, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—81.

Those who voted in the negative were,

Messrs. Baker and Osborn—2.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed Senate bill No. 81, entitled "A bill to legalize the appraisement of the real estate of the State of Indiana, made in 1864, and declaring an emergency."

Was read a third time, and on motion of Mr. Coffroth, laid on the table.

Senate bill No. 231. "A bill to amend section two of an act to provide for a State Debt Sinking Fund, approved December 21st, 1865, making the Governor a member of the Board of State Debt Sinking Fund.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Bates, Beatty, Beeler, Bowen, Breckinridge, Calvert, Carnahan, Coffroth, Cory, Cotton, Cunningham,

Davidson, Davis of Elkhart, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Huston, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, Long, Mason, McBride, McDonald, McFadin, McGregor, Millikan, Miller, Mitchell, Mock, Neff, Osborn, Overmyer, Ratliff, Ruddell, Sabin, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Admire, Barritt, Bobo, Lawler, Miles and Montgomery—6.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill.

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Pierce of Vigo, moved that Senate Joint Resolution No. 13, be taken up and referred to the special railroad committee.

Which was agreed to.

Senate Joint resolution No. 9. "A Joint Resolution for creating another Judicial District, for the District Court of the United States in Southern Indiana."

The question pending at the regular session, was on a motion made by Mr. Welborn, to reconsider the vote adopting the amendment offered by Mr. McFadin.

Which was not agreed to.

Senate Joint Resolution was read a third time, and on motion of Mr. Ratliff, laid on the table.

Mr. Pierce of Vigo, moved to suspend the regular order of business for the introduction of bills.

Which was agreed to.

Mr. Baker introduced

House bill No. 321. A bill to amend an act entitled "An act to authorize cities and towns to negotiate and sell bonds to procure means with which to complete unfinished school buildings, and pay debts contracted for the erection of such buildings, and authorizing the levy and collection of an additional special school tax for the payment of the principal and interest of such bonds." Approved March 11, 1867.

Which was read a first time, and referred to the Committee on Education.

Mr. Barnett introduced

House bill No. 322, entitled "A bill to enable railroad companies which have formed articles of association, naming the place from, and to which the proposed roads are to be constructed, to perfect their lines by connections, to preserve their franchises, and to define the extent, character and privileges, of the same."

Which was read a first time, and referred to the Special Committee on Railroads.

On motion by Mr. McDonald, the House adjourned.

THURSDAY MORNING, 9 o'clock, }
 April 15, 1869. }

The House met.

The Clerk proceeded to read the Journal,

When, on motion of Mr. Ratliff,

The further reading of the Journal was dispensed with.

The Speaker announced the following Standing Committees:

NO. SIX—ON EDUCATION,

Messrs. Osborn, Ratliff, Zollars, Baker, Stewart of Ohio, Taber, and Davis of Floyd.

NO. SEVEN—ON STATE PRISONS.

Messrs. Ruddell, Lamborn, Barritt, Hamilton, Monroe, Davis of Elkhart, and Cory.

NO. EIGHT—ON SWAMP LANDS.

Messrs. Lamborn, Sabin, Britton, Wile, Addison, Beatty, and Johnson of Montgomery.

NO. NINE—ON MILITARY AFFAIRS.

Messrs. Johnson of Marshall, Pierce of Porter, Dittemore, Vater, Davis of Elkhart, Vardeman, and Lawler.

NO. TEN—ON CLAIMS.

Messrs. Sabin, Monroe, Zenor, Williams of Union, Wildman, Higgins, and Tebbs.

NO. ELEVEN—ON TRUST FUNDS.

Messrs. Ratliff, Jump, McDonald, Bowen, Higbee, Barritt, and Lawler.

NO. TWELVE—ON FEES AND SALARIES.

Messrs. Gordon, Wilson, Skidmore, Underwood, Mitchell Shoaff, and McGregor.

NO. THIRTEEN—ON SINKING FUND.

Messrs. Hamilton, Hutson, Logan, Williams of Hamilton, Admire, Smith and Cox.

NO. FOURTEEN—ON RIGHTS AND PRIVILEGES.

Messrs. Furnas, Wilson, Calvert, Breckinridge, Fairchild, Carnahan, and Hutchings.

NO. FIFTEEN—ON RAILROADS.

Messrs. Stewart, of Rush, Barnett, Monroe, Williams of Knox, Gilham, Coffroth, and Long.

NO. SIXTEEN—ON MANUFACTURES AND COMMERCE.

Messrs. Skidmore, Williams of Hamilton, Cunningham, Davis of Elkhart, Davidson, Calvert, and Admire.

NO. SEVENTEEN—ON COUNTY AND TOWNSHIP BUSINESS.

Messrs. Mason, Higbee, Cunningham, Sabiu, Fairchild, Britton, and Hyatt.

NO. EIGHTEEN—ON AGRICULTURE.

Messrs. Smith, Higgins, Sunman, Furnas, Mason, Williams of Knox, and Miner.

NO. NINETEEN—ON BENEVOLENT AND SCIENTIFIC INSTITUTIONS.

Messrs. Pierce of Porter, Chittenden, Welborn, Field of Lake, Jump, Pierce of Vigo, and McBride.

NO. TWENTY—ON TEMPERANCE.

Messrs. Chapman, Hall, Mason, Dittemore, Dunn, Furnas, and Tebbs.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Logan presented a petition from citizens of Pike county, praying for a law prohibiting the sale of intoxicating liquors as a beverage.

Which was referred to the Committee on Temperance, without reading.

Mr. Johnson of Marshall, asked and obtained leave of absence until Monday.

Mr. Coffroth obtained leave of absence until Monday.

Mr. Gordon presented a petition from sundry citizens of Boone county, asking the enactment of a law allowing the citizens of a township or vicinity, in which any person applies for license to sell intoxicating liquors, to say, by vote or by petition, whether such person is entitled to license or not.

Which was read and referred to the Committee on Temperance.

Mr. Hutchings presented a petition from citizens of Scott county, asking relief for Margaret Tombs for \$58 30, in which sum she is indebted to the Institute for the Blind.

Which was referred to the Committee on Scientific and Benevolent Institutions, without reading.

Mr. Higbee presented a petition from citizens of Steuben county, asking the passage of a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

Mr. Kercheval presented a petition from R. S. Hicks and sundry other citizens of Spencer county, praying for relief for Enoch B. Snyder, a Township Trustee, on account of the loss of school funds by robbery.

Which was read and referred to the Committee on the Judi-

ciary, with instructions to inquire into the constitutionality of a law for relief on the part of the State of officers so losing public money entrusted to their care.

The Speaker announced the following committee on Senate bill No. 247.

Messrs. Stanton, Furnas, Osborn and Montgomery.

Mr. Osborn was excused from the committee on rules, and Mr. Gordon was appointed in his stead.

Mr. Tebbs presented a claim from R. T. Slater, for \$21 60, for mileage and witness fees, for attending before a special committee of the General Assembly of 1863, on arbitrary arrests.

Which was read and referred to the Committee on Claims.

REPORTS OF STANDING COMMITTEES.

Mr. Pierce of Porter, from the Committee on Benevolent and Scientific Institutions, made the following report:

MR. SPEAKER:

The Committee on Benevolent and Scientific Institutions, to whom was referred House bill No. 163, have had the same under consideration, and recommend the following amendments:

In the fourteenth line after the words "real estate," insert "if belonging to private parties," and in the same line strike out the words "or" and "in," and with such amendments the Committee recommend the passage of the bill.

Which, on motion, was laid on the table.

SPECIAL COMMITTEES.

Mr. Cory from the special committee to whom was referred Senate bill No. 290, made the following report:

MR. SPEAKER:

The Committee to whom was referred Senate bill No. 290, entitled an act creating the Twenty-sixth Judicial Circuit, and fixing

the times of holding courts therein, fixing the times of holding courts in the Fourth Judicial Circuit, beg leave to report that they have considered the same, and now report the same back to the House with the recommendation that it do pass.

Which on motion was laid on the table.

Mr. Hutchings from a special committee on the bill made the following report:

MR. SPEAKER:

Your committee, to whom was referred Senate bill No. 292, "a bill to transfer the county of Brown from the First to the Second Judicial Circuit, and declaring an emergency," have had the same under consideration, and beg leave to report the same back and recommend its indefinite postponement.

Mr. Long moved that the report be rejected.

Mr. Johnson moved to refer the bill and report to the Committee on the Organization of Courts.

The question being on the motion made by Mr. Long, to reject the report of the committee,

Mr. Overmyer moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the motion to reject the report.

It was agreed to.

Mr. Barritt moved to indefinitely postpone the bill.

The Speaker decided the motion out of order, inasmuch as the bill was not before the House.

INTRODUCTIONS OF RESOLUTIONS AND BILLS.

Mr. Beatty introduced

House bill No. 323. A bill defining when the resignation of members of the General Assembly shall take effect.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Beeler introduced

House bill No. 324. A bill to provide for the selection and location of a site for a College of Agriculture, Science, and Mechanic Arts.

Which was read a first time.

Mr. Ratliff moved that the bill be referred to a special committee composed of one member from each Congressional District.

The question being on the adoption of the motion by Mr. Ratliff, a division of the House was called, when it appeared that there was no quorum voting.

The Speaker ordered a call of the House.

Those who answered to their names were,

Messrs. Addison, Admire, Baker, Barnett, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cunningham, Davidson, Davis of Elkhart, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Lamborn, Logan, Long, Mason, McBride, McDonald, McFadin, Miller, Miles, Mitchell, Monroe, Montgomery, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Zenor, and Mr. Speaker—85.

On motion, the further call was dispensed with.

The question recurring on the motion by Mr. Ratliff.

It was agreed to.

Mr. Bobo introduced

House bill No. 325, entitled a bill to provide for the re-location of county seats, the erection of public buildings in case of such re-location, repealing all laws in conflict herewith, and declaring an emergency.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Bowen introduced

House bill No. 326, entitled a bill to amend section eighty-seven of an act entitled an act to compel witnesses to attend and testify before the Grand Jury.

Which was read a first time, and referred to Committee on Fees and Salaries.

Mr. Britton introduced

House bill No. 327. A bill to amend section twenty-one of an act entitled an act to provide for the opening, vacating and changing of highways, approved June 17th, 1852.

Which was read a first time, and referred to Committee on Roads

Mr. Breckinridge introduced

House bill No. 328. A bill to provide for the registration of births, marriages and deaths.

Which was read a first time, and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Carnahan introduced

House bill No. 329. A bill to amend sections seven and forty-nine of an act entitled "An act providing for the settlement of de-

cedents's estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement." Approved June 17, 1852.

Which was read a first time, and passed to a second reading.

Mr. Coffroth introduced

House bill No. 330. A bill to abolish certain offices provided for in the act for the incorporation of cities, transferring the duties thereof to the City Treasurer, and providing what shall be the basis of city taxation, and matters properly connected therewith, and repealing all laws inconsistent therewith.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Calvert introduced

House bill No. 331. A bill authorizing the State of Indiana to demand a change of venue in all criminal cases pending before any judge who may have expressed an opinion upon the merits of the cause before trial, and directing the mode of procedure, in order to obtain such change.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Cory introduced

House bill No. 332. A bill to fix the time of holding the Common Pleas Courts in the Twenty-second District.

Which was read a first time.

Mr. Gilham moved that the Constitutional Rule be suspended, so that the bill may be read a second and third time now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were,

Messrs. Addison, Barnett, Barritt, Bates, Beatty, Bobo, Bowen,

Britton, Cave, Chapman, Coffroth, Cory, Davidson, Davis of Elkhart, Dittemore, Dunn, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Lawler, Lamborn, Logan, Long, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Neff, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Welborn, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor and Mr. Speaker—77.

These who voted in the negative were,

Messrs. Admire, Baker, Beeler, Cotton, Johnson of Marshall, Monroe and Vater—7.

So it was deemed expedient to suspend the constitutional rule, that the bill be read a second and third time.

House bill No. 332.

Was read a second time.

Mr. Ruddell moved that the bill be considered engrossed.

Which was agreed to.

House bill No. 332.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Chapman, Coffroth, Cory, Cotton, Davidson, Davis of Elkhart, Dittemore, Dunn, Field of Lake, Field of Lagrange, Gilham, Gordon, Greene, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Lawler, Lamborn, Logan, McBride, Mc-

Donald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor and Mr. Speaker—79.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Engrossed Senate bill No. 83. A bill to amend section two of an act entitled "An act making the register of sales of Michigan Road lands, and certified copies of entries there in evidence, and declaring the effects thereof, and making the records and patents and certificates of purchase.

Was read a second time and passed to a third reading.

Mr. Overmyer offered the following preamble and resolution :

WHEREAS, Certain reports are now notorious among the members of this House, charging the present Doorkeeper of this House, Thomas C. McCann, with corruption in office ; and

WHEREAS, Written statements charging corruption upon the aforesaid McCann, signed by responsible parties making the charges, have been presented to members of this body, and are now in the possession of a member; therefore,

Resolved, That a committee of five be appointed by the Speaker to investigate said charges, and report as soon as possible to this House; that said committee shall have power to send for persons

and papers, and all powers necessary to conduct the investigation: *Provided*, That the charges against the said McCann shall be set out in full before the committee, and signed by responsible persons, before any evidence shall be heard, and the accused shall have due notice and a fair hearing before the committee.

Mr. Coffroth moved to refer the whole matter to the Committee on Employees.

Which was agreed to.

Mr. Neff moved that Mr. Overmyer be added to the Committee on Employees.

Which was agreed to.

ORDERS OF THE DAY.

Message from the Senate by Mr. Wilson, the Clerk thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate disagrees to House amendments to Senate bill No. 90, entitled "a bill to amend the thirty-fourth subdivision of section fifty-three of an act entitled an act to repeal all general laws now in force for the incorporation of cities."

Mr. Wile offered the following resolution:

Resolved, That the House recede from its amendment to Senate bill No. 90, entitled "a bill to amend the thirty-fourth subdivision of section fifty-three of an act entitled an act to repeal all general laws now in force for the incorporation of cities."

Which was agreed to.

Ordered, That the Clerk inform the Senate of the same.

SENATE BILLS ON SECOND READING.

Engrossed Senate bill No. 131. An act to legalize and declare valid and effectual all the orders, judgments and proceedings made, rendered and had, and held by and before the Court of Common

Pleas of White County, in this State, beginning and held at the Court House, in the town of Monticello, in said county, on the 23d day of March, 1868, and continuing from day to day for two weeks thereafter, and declaring an emergency.

Was read a second time, and passed to a third reading.

Engrossed Senate bill No. 60. A bill providing for the collection of forfeited recognizances.

Was read a second time, and passed to a third reading.

HOUSE BILLS ON SECOND READING.

House bill No. 154, entitled "A bill to authorize Boards of Commissioners of the several counties in this State to levy taxes for the purpose of making subscription to the capital stock of any railroad company, and providing for the collection of such taxes and the subscription of such stock, and declaring an emergency,"

Having previously been read a second time, and laid on the table, was taken up.

Pending the adjournment on yesterday was the motion by Mr Bobo to reconsider the vote laying the bill on the table.

Which was agreed to.

Mr. Bobo moved to refer the bill to a special committee of five.

Which was agreed to.

Mr. Mitchell asked and obtained leave of absence until Monday next.

Messrs. Wile, Cave, Williams of St. Joseph, Vardeman, and Barnett, asked and obtained leave of absence until next week.

On motion of Mr. McFadin, the House adjourned.

THURSDAY AFTERNOON, 2 O'CLOCK.

The House met.

The Speaker announced the special committee on House bill No. 154 to consist of

Messrs. Bobo, Hyatt, Field of Lake, Higbee, and Johnson of Parke.

Pending the adjournment was the consideration of House bill No. 128, the same having been read a second time.

The question being on the engrossment of the bill,

It was agreed to.

Mr. Cory offered the following resolution :

Resolved, That when the House adjourns on Saturday morning, it adjourn to meet on Tuesday following, at 2 o'clock P. M.

Mr. Underwood moved to amend by striking out "from Saturday morning till Tuesday, two o'clock," and insert in lieu thereof "from Friday evening till Tuesday morning."

The question being on the amendment offered by Mr. Underwood,

Messrs. Carnahan and Johnson of Montgomery, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Bobo, Bowen, Coffroth, Cunningham, Jump, Lawler, Mason, McBride, Mock, Monroe, Montgomery, Overmyer, Parker, Pierce of Porter, Pierce of Vigo, Tebbs, Williams of St. Joseph, and Mr. Speaker—20.

Those who voted in the negative were,

Messrs. Barnett, Barrett, Bates, Beatty, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Cory, Cotton, Da-

vidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Parke, Johnson of Marshall, Kercheval, Lamborn, Logan, Long, McDonadd, McFadin, McGregor, Millekan, Miller, Miles, Neff, Odell, Osborn, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vater, Wile, Williams of Hamilton, Williams of Knox, Williams of Union, Wilson, and Zenor—67.

So the amendment was not agreed to.

The question being on the original resolution,

Mr. Osborn moved that it be laid on the table.

Messrs. Coffroth and Davidson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Admire, Bates, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Coffroth, Cotton, Cunningham, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Parke, Kercheval, Logan, Long, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Neff, Odell, Osborn, Palmer, Pierce of Porter, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Smith, Stewart of Ohio, Sunman, Taber, Underwood, Vardeman, Vater, Welborn, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, and Zenor—63.

Those who voted in the negative were,

Messrs. Addison, Barritt, Bobo, Bowen, Cory, Hamilton, Johnson of Marshall, Jump, Lawler, Lamborn, McBride, Mock, Monroe, Montgomery, Overmyer, Pierce of Vigo, Ratliff, Sleeth, Stanton, Stewart of Rush, Tebbs, Wilson and Mr. Speaker—24.

So the motion to lay on the table prevailed.

Messrs. Jump, Cory, Beatty and Zollars, obtained leave of absence until Tuesday morning.

Mr. McFadin offered the following:

Resolved, That when the House adjourns on Saturday morning, that it stand adjourned until Tuesday morning at nine o'clock.

Mr. Vater offered the following amendment:

Resolved, That when this House adjourn on Friday evening, it be until Monday at two o'clock P. M.

Mr. McFadin moved that the amendment be laid on the table.

Which was agreed to.

The question recurring on the adoption of the resolution offered by Mr. McFadin,

It was agreed to.

ORDERS OF THE DAY.

HOUSE BILLS ON SECOND READING.

House bill No. 95, entitled "A bill for the relief of John Ingle and John Ingle, Jun.," having been previously read a second time, was taken up, and, on motion, ordered to be engrossed.

House bill No. 175, entitled "A bill to provide for special terms of the Courts of this State, to settle issues, preliminary and interlocutory motions and orders, in actions pending therein, and to prepare for the trial of said actions, and declaring an emergency."

Was read a second time.

Mr. Neff moved that the bill be recommitted to the Committee on the Judiciary.

Which was agreed to.

House bill No. 211. A bill to prevent dogs from running at large in the night time, and other matters properly connected therewith, and declaring an emergency.

Was read a second time.

The question being on the engrossment of the bill.

It was agreed to.

House bill No. 117, entitled a bill to amend the sixteenth section of an act entitled "An act to provide for contesting the election to any State, District, Circuit, County or Township office, approved May 4, 1852," to provide relief in cases of contests erroneously commenced by reason of the misprint of said sixteenth section, and to provide for taking depositions in all contests for Circuit and District offices.

Was read a second time.

Mr. Pierce of Vigo, moved that the bill be referred to the Committee on Elections.

Which was agreed to.

House bill No. 198. "A bill to amend the nineteenth section of an act approved June 10, 1852, entitled an act defining felonies and prescribing punishment therefor."

Was read a second time.

The question being on the engrossment of the bill.

It was agreed to.

House bill No. 158. A bill to amend section twenty-three of an act entitled "An act to provide for the valuation of real and personal property, and the collection of taxes in the State of Indiana &c., approved June 21, 1862.

Was read a second time.

House Joint Resolution No. 3. A joint resolution instructing our Senators and requesting our Representatives in Congress to enact a law taxing Government bonds.

Was read a second time.

Mr. Vater moved that the bill be indefinitely postponed.

Mr. Pierce of Porter, moved to amend by referring it to the Committee on Federal Relations.

Which was agreed to.

House bill No. 186. A bill providing for proceedings supplementary to execution in courts of Justices of the Peace—being supplemental to an act providing for the election and qualification of Justices of the Peace—defining their jurisdiction, powers and duties in civil cases; approved June 9, 1852.

Was read a second time.

The question being on the engrossment of the bill,

It was agreed to.

House bill No. 104, entitled "A bill to amend section three hundred and ninety-seven of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity; approved June 18, 1852.

Was read a second time, and, on motion, was ordered to be engrossed.

House bill No. 243. A bill fixing the time when personal estate shall be listed, and defining the duties of Assessors, Boards of County Commissioners and Boards of Equalization in relation thereto.

Was read a second time.

The question being on ordering the bill to be engrossed,

Messrs. Vater and Ratliff demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Bates, Beeler, Britton, Calvert, Cave,

Cunningham, Dittmore, Fairchild, Fuller, Greene, Johnson of Montgomery, Mason, McBride, McDonald, McGregor, Miles, Mock, Odell, Osborn, Pierce of Porter, Shoemaker, Stewart of Ohio, Welborn, Wile, Zenor, and Mr. Speaker—28.

Those who voted in the negative were,

Messrs. Baker, Beatty, Chapman, Coffroth, Cory, Cotton, Davidson, Davis of Elkhart, Dunn, Field of Lagrange, Furnas, Gordon, Hall, Higgins, Hutchings, Hutson, Johnson of Marshall, Jump, Lawler, Lamborn, Logan, McFadin, Millekan, Miller, Monroe, Montgomery, Neff, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Vater, Williams of Hamilton, Williams of St. Joseph, and Williams of Union—45.

So the bill was not ordered to be engrossed.

House bill No. 213. A bill prescribing the duties of County Auditors in relation to cancelled county orders and statements of property listed by Appraisers and Assessors.

Was read a second time.

The question being on ordering the bill to be engrossed,

It was agreed to.

House bill No. 224. A bill to amend section two of an act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others; approved March 2, 1865.

Was read a second time.

Mr. Lamborn moved that the bill be indefinitely postponed.

Which was not agreed to.

Mr. Vater moved to lay the bill on the table.

Which was not agreed to.

Mr. Admire moved to amend by striking out "\$2,00" and inserting "\$5,00" in lieu thereof.

Mr. Cunningham moved to lay the amendment on the table.

It was agreed to.

The question being on ordering the bill to be engrossed,

Mr. Johnson, of Marshall, moved the previous question.

Which was not seconded by the House.

Mr. Britton moved to amend by making the "tax on the first dog \$5,00, and \$10,00 on each additional one."

Which was not agreed to.

The question recurring on the engrossment of the bill,

Messrs. Davis, of Elkhart, and Miles, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Admire, Barritt, Bates, Beatty, Cave, Coffroth, Dittmore, Field of Lake, Fuller, Hutchings, Hyatt, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Mock, Palmer, Pierce of Vigo, Shoemaker, Tebbs, Williams of Knox, Williams of Union, Zenor and Mr. Speaker—30.

Those who voted in the negative were,

Messrs. Baker, Beeler, Bowen, Britton, Breckinridge, Calvert, Chapman, Cotton, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lagrange, Furnas, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Millekan, Miller, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vater, Welborn, Williams of Hamilton, and Williams of St. Joseph—53.

So the bill was not ordered to be engrossed.

Mr. Stanton moved to suspend the order of business in order to allow the Committee on Claims to present a report.

Which was agreed to.

The Speaker announced the following special committee on House bill No. 324 :

Messrs. Ratliff, Welborn, McBride, Monroe, Stewart of Rush, Dunn, Beeler, Breckinridge, Barnett, Wildman and Shoaff.

Mr. Sabin, from the Committee on Claims, made the following report :

MR. SPEAKER :

The Committee on Claims to whom was referred the claims of various parties, for Printing, Clerk's fees, Sheriff's fees, Stationery, &c., &c., furnished by order of the Morgan Raid Commission, have had the same under consideration, and have instructed me to report the same back and recommend that the following sums be allowed : . .

Norman & Matthews, printing, \$27,00.

George Fultz, Sheriff Washington county, for Sheriff's fees in attendance before meetings of said Commission, \$30,00.

J. F. Cutshaw, Clerk's fees, \$36,00.

Thomas J. Fullenlove, Sheriff's fees, \$22,70.

Commercial Company, printing, \$35,00.

William Hancock, Clerk's fees, \$67,20.

Henry Zenor, Sheriff's fees, \$33,00.

W. W. Tuley, Clerk's fees, \$4,30.

C. H. Bingham, printing, \$20,00.

W. & J. Braden, Stationery, \$437,03.

Calvin Jones, printing, \$25,00.

Daniel Hayford, printing, \$25,00.

A. Bookwalter, printing, \$29,75.

J. F. Cheek, Clerk's fees, \$20,00.

Thomas J. De La Hunt, printing, \$20,00.

R. C. Arnold, Sheriff's fees, \$19,00.

W. M. Tuley, Clerk's fees, \$32,00.

A. S. & R. A. Conner, printing, \$5,00.

W. A. Winter, printing, \$5,00.

John Scott, Sheriff's fees, \$3,00.

W. S. Vater, printing, \$5,00.

D. G. Phillips, Clerk's fees, \$30,90.

A. D. Shannon, Sheriffs fees, 18,00.

M. C. Garber, printing, \$20,00.

William Wilson, Sheriff's fees, \$12,00.

J. G. W. Traylor, Clerk's fees, \$33,00.

We further recommend that the above allowances be in full for all claims the above parties may have against the State of Indiana, for the above named services, and that these allowances be placed in the Specific Appropriation Bill.

Mr. Coffroth moved that the report be referred to the Committee on Ways and Means, together with all the accompanying claims.

Which was agreed to.

Mr. Osborn offered the following:

Resolved, That the employees of the last House who have been on duty under the direction of the Clerk, Assistant Clerk, and Doorkeeper, and the Speaker, be entitled to their pay to the time

of their discharge, upon the certificate of the officer who appointed them.

Mr. Cory moved that the rules be suspended, so as to allow him to introduce a Specific Appropriation Bill to defray the expenses of the present General Assembly.

Which was agreed to.

Mr. Cory introduced,

House bill No. 333. A bill appropriating Forty thousand dollars, (\$40,000,) to defray the expenses of the Forty-seventh Session of the General Assembly.

Which was read a first time.

Mr. Cory moved that the bill be referred to the Committee on Ways and Means, with instructions to report the same back to the House to-morrow morning.

Mr. Osborn moved to strike out that portion requiring the Committee to report to-morrow morning.

Messrs. Cory and Miles demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Beatty, Beeler, Bowen, Breckinridge, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Johnson of Parke, Jump, Kercheval, Lamborn, Millekan, Miller, Osborn, Overmyer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Stanton, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Welborn, Williams of Hamilton, Williams of St. Joseph, Williams of Union and Mr. Speaker—43.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cunningham, Dittmore, Field of Lake, Fuller, Hutchings, Hyatt, Johnson of

Montgomery, Johnson of Marshall, Lawler, Logan, Long, Mason, McBride, McDonald, McFadin, McGregor, Miles, Mock, Montgomery, Neff, Odell, Palmer, Pierce of Porter, Shoemaker, Sleeth, Smith, Sunman, Tebbs, Wile, Williams of Knox, and Zenor—44.

So the motion by Mr. Osborn did not prevail.

The question recurring on the motion by Mr. Cory,

It was agreed to.

Mr. Baker asked and obtained leave of absence until Tuesday next.

House bill No. 61, "A bill to encourage the republication of Blackford's Reports, and appropriating money therefor."

Was read a second time, with the amendments reported by the committee.

Mr. Ruddell moved to amend by striking out "Callahan & Cockroft," and insert "Merrill & Co." wherever the former appears.

Pending which,

On motion of Mr. Gilham, the House adjourned.

FRIDAY MORNING, 9 O'CLOCK, }
 April 16, 1869. }

The House met.

Mr. Johnson, of Marshall, moved that the reading of the Journal be dispensed with.

Which was agreed to.

Mr. Davis of Elkhart, asked and obtained leave of absence from day to day until next Tuesday.

Messrs. Taber and Hall obtained leave of absence until Tuesday next.

Mr. Pierce obtained leave of absence for this afternoon.

Messrs. Wilson and Zenor asked and obtained leave of absence until Monday.

Mr. Dunn, by consent, introduced

House bill No. 334. A bill in relation to Criminal Circuit Courts, and the Judges thereof.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Palmer, by consent, introduced

House bill No. 335, entitled "A bill to amend section seventeen (17) of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith," &c.

Which was read a first time, and referred to the Committee on Education.

Mr. Osborn, by consent, introduced

House bill No. 336. A bill defining certain misdemeanors, and prescribing the punishment therefor.

Which was read a first time.

Mr. Miles moved that the bill be rejected.

Mr. Hamilton moved that the motion be laid on the table.

Messrs. Williams of Knox, and Pierce of Porter, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beeler, Bowen, Breckinridge, Chapman, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Kercheval, Lamborn, Mason, Millekan, Miller, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vater, Williams of Hamilton, Williams of Union, and Mr. Speaker—46.

These who voted in the negative were,

Messrs. Admire, Bates, Britton, Calvert, Carnahan, Cave, Cory, Cotton, Cunningham, Dittmore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Mock, Montgomery, Neff, Odell, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, and Williams of Knox—31.

So the motion to lay on the table prevailed.

Mr. Osborn moved that the bill be referred to the Committee on the Judiciary.

Which was agreed to.

Mr. Dunn, by consent, introduced

House bill No. 337, entitled " A bill to amend section fifth of an

act entitled an act in relation to commissions, certificates and resignations of office."

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Long introduced

Joint Resolution No. 11, entitled "A joint resolution instructing our Senators in Congress, and requesting our Representatives, to use their influence to have the names of the soldiers of the war of 1812 and the war with Mexico, and their widows and minor children, placed upon the pension rolls.

Which was read a first time, and referred to the Committee on Federal Relations.

Mr. Bowen asked and obtained leave of absence on account of sickness.

ORDERS OF THE DAY.

Mr. Williams, of Knox, moved a suspension of the order of business for the purpose of introducing resolutions and bills.

Mr. Cory moved to suspend the order of business, in order to hear the report of the Committee on Ways and Means on the Legislative Appropriation bill.

The question being on the motion of Mr. Cory to suspend the order of business,

Messrs. Cory and Bates demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Bates, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Cory, Cotton, Cunningham, Davidson, Dittmore, Field of Lagrange, Field of Lake, Fuller, Furnas, Gilham, Hutson, Hyatt, Johnson of Montgomery, Logan, Long, Mason, McBride, McDonald, McFadin, McGregor, Miles, Mock, Monroe, Neff, Odell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Sumner, Tebbs, Welborn, and Williams of Knox—44.

Those who voted in the negative were,

Messrs. Barnett, Beeler, Dunn, Gordon, Greene, Hamilton, Higbee, Higgins, Johnson of Parke, Millekan, Miller, Osborn, Overmyer, Pierce of Vigo, Ratliff, Ruddell, Stanton, Stewart of Ohio, Stewart of Rush, Underwood, Vater, Williams of Hamilton, Williams of Union, and Mr. Speaker—24.

So it was deemed expedient to suspend the order of business.

Whereupon Mr. Stanton presented the following report from the Committee on Ways and Means :

MR. SPEAKER :

I am instructed by the Ways and Means Committee, to whom was referred House bill No. 333, entitled "An act appropriating forty thousand dollars to defray the expenses of the Forty-seventh Session of the General Assembly, to report the same back and recommend that the word "forty" be stricken out, and the word "sixty" be inserted before the word "thousand," in the first section of said bill, and that when so amended the same do pass.

Mr. Osborn moved to lay the report on the table.

Messrs. Cory and Zenor demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett, Beeler, Breckinridge, Davidson, Dunn, Field of Lagrange, Gilham, Gordon, Greene, Higbee, Higgins, Johnson of Parke, Kercheval, Millekan, Osborn, Overmyer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Smith, Stanton, Stewart of Rush, Underwood, Vater, Williams of Hamilton, Williams of Union, and Mr. Speaker—29.

Those who voted in the negative were,

Messrs. Addison, Admire, Bates, Britton, Calvert, Carnahan, Cave, Chapman, Cory, Cotton, Cunningham, Dittmore, Field of Lake, Fuller, Furnas, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miller, Miles, Mock, Monroe, Montgomery, Neff, Odell,

Shoaff, Shoemaker, Skidmore, Sleeth, Stewart of Ohio, Sunman, Tebbs, Welborn, Williams of Knox—42.

So the motion to lay on the table did not prevail.

Mr. Neff moved that the report of the committee be concurred in and the amendments adopted.

Which was agreed to.

Mr. Cory moved that the order of business be suspended and that House bill No. 333 be read a second time now.

Which was agreed to.

House bill No. 333. A bill appropriating Forty thousand dollars to defray the expenses of the Forty-sixth session of the General Assembly.

Was read a second time.

Mr. Johnson of Parke, offered the following amendment:

Insert after the word dollars, "so much thereof as may be necessary."

Which was agreed to.

Mr. Neff moved that the Constitutional rule be suspended, so as to read the bill a third time now, and that it be considered engrossed.

Mr. Osborn moved to lay the motion on the table.

Messrs. Dittmore and Odell demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett, Beeler, Breckinridge, Davidson, Dunn, Gilham, Gordon, Greene, Hamilton, Higbee, Higgins, Kercheval, Millekan, Osborn, Overmyer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stanton, Stewart of Rush, Underwood, Vater, Williams of Hamilton, Williams of Union and Mr. Speaker—27.

Those who voted in the negative were,

Messrs. Addison, Admire, Bates, Bowen, Britton, Calvert, Carna-
H. J. Ex. S.—7.

han, Cave, Chapman, Cory, Cotton, Cunningham, Dittemore, Field of Lake, Field of Lagrange, Fuller, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Lawler, Logan, Long, Mason, McBride, McDonald, McFadin, McGregor, Miller, Miles, Mock, Monroe, Montgomery, Neff, Odell, Shoaff, Shoemaker, Sleeth, Stewart of Ohio, Sunman, Tebbs and Williams of Knox—43.

So the motion to lay on the table did not prevail.

Mr. Ruddell moved that the House do now adjourn.

A division being called, and no quorum voting,

The Speaker declared the House adjourned.

FRIDAY, 2 O'CLOCK P. M.

The House met.

Pending the adjournment this morning was the motion by Mr. Neff to suspend the constitutional rule requiring bills to be read on three several days, in order that House bill No. 333 may be read a third time now.

Messrs. Johnson of Montgomery and Gilham asked and obtained leave of absence until Tuesday morning.

Mr. Welborn moved to reconsider the action taken on yesterday by which the House agreed to adjourn from Saturday until Tuesday morning.

Which was agreed to.

Mr. Welborn moved that when the House adjourns this evening, that it shall be until Monday morning, 9 o'clock.

Which was agreed to.

Mr. Underwood, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills, to whom was referred House bill No. 333, have compared the same with the original bill, and find it correctly engrossed.

Mr. Vater, by consent, introduced

House bill No. 338. A bill to amend sections four, thirteen and fifteen, of an act entitled "an act to establish a house for the maintenance of sick and disabled Indiana soldiers and seamen and their orphans and widows," approved March 11, 1867, and supplemental thereto.

Which was read a first time, and referred to the Committee on Military Affairs.

Mr. Stewart of Ohio, (by consent,) from the Committee on Education, submitted the following report:

MR. SPEAKER:

Your Committee on Education, to whom was referred House bill No. 321—being a bill to amend the School law so as to allow cities and towns to sell bonds for the purchase of school buildings—have had the same under consideration, and ordered that the same be reported back, with the recommendation that it do pass.

Which, on motion, was laid on the table.

Mr. Williams of Knox moved that the constitutional rule be suspended, so as to allow the introduction of bills and resolutions.

A division being called, and no quorum voting,

Mr. Osborn moved that the House do now adjourn.

A division being called, and no quorum voting,

The Speaker declared the House adjourned until Tuesday morning, at 9 o'clock.

TUESDAY MORNING, 9 o'CLOCK, }
 April 20, 1869. }

The House met.

On motion of Mr. Osborn,

The reading of the Journal was dispensed with.

Mr. Underwood, from the Committee on Engrossed Bills, submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills, to whom was referred engrossed House bill No. 198, have compared the same with the original bill, and find it in all respects correctly engrossed.

Mr. Wildman moved that Mr. Williams of Knox, and the Clerk be appointed a committee to look after bills introduced last session and are not now on the files.

Which was agreed to.

On motion, Mr. Shoemaker was added to the Committee on Manufactures and Commerce.

The Speaker ordered a call of the House.

Those who answered to their names were,

Messrs. Barnett, Bates, Britton, Calvert, Carnahan, Cave, Chittenden, Cory, Cunningham, Davidson, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Logan, Long, Mason, McDonald, McFadin, McGregor, Miller, Miles, Mitchell, Mock, Osborn, Overmyer, Palmer, Ruddell, Sabin, Shoemaker, Skidmore, Smith, Stanton, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Zenor and Mr. Speaker—59.

No quorum being present,

Mr. Wildman moved that the absentees be sent for.

Which was not agreed to.

Mr. Cox obtained leave of absence for to-day on account of sickness.

Mr. Dittmore obtained leave of absence for to-day.

Mr. Palmer moved that the House do now adjourn.

Which was not agreed to.

Mr. Stewart of Rush, moved that the further proceedings under the call be dispensed with.

Which was agreed to.

Mr. Hamilton moved that the House do now adjourn.

Which was not agreed to.

Mr. Williams of Knox, moved that the House take a recess until 10½ o'clock A. M.

Which was agreed to.

TUESDAY, 10½ O'CLOCK A. M.

The House met.

Mr. McFaddin moved a call of the House.

Which was not agreed to.

The Speaker ordered a call of the House.

Those who answered to their names were:

Messrs. Addison, Admire, Barnett, Barritt, Bates, Beeler, Calvert, Carnahan, Case, Chittenden, Cory, Cunningham, Davidson, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gil-

ham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Lawler, Logan, Long, Mason, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Vigo, Ruddell, Sabin, Shoemaker, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Wilson, Zollars and Mr. Speaker—72.

A quorum being present, further proceedings under the call were dispensed with.

Mr. Osborn presented a petition from sundry citizens of the State, in regard to the present "Divorce Law," praying that the General Assembly take some immediate action upon it.

Which was read and referred to the Committee on the Judiciary.

Mr. Welborn from the Committee on Engrossed Bills, submitted the following report :

MR. SPEAKER:

The Committee on Engrossed Bills, to whom was referred House bills Nos. 104, 95, 152, 128, 213, 194, 24 and 176, have carefully compared them with the original bills, and in all things find them correctly engrossed.

The Speaker laid before the House a memorial from the State Board of Education, asking for the levy of a Library tax, and other legislation, for the purpose of rendering the Township Libraries more useful, and also to make additions thereto.

Which was read and referred to the Committee on Education.

Mr. Osborn, by consent, introduced,

House bill No. 339. A bill to provide for a tax for the purpose of purchasing books for Township Libraries and providing for the

purchase and distribution of books, and prescribing the manner in which Libraries shall be kept.

Which was read a first time and referred to the Committee on Education.

The Speaker laid the following communication from the Secretary of the State before the House :

STATE OF INDIANA,
OFFICE OF THE SECRETARY OF STATE,
INDIANAPOLIS, April 10, 1869. }

To the General Assembly of the State of Indiana, in Special Session convened :

The Secretary of State, in compliance with the fourteenth section of Article fifth of the Constitution of said State, herewith lays before your honorable body House bill No. 60, entitled "An act for the incorporation and continuance of insurance companies," passed at the Forty-sixth Regular Session of said General Assembly, and filed in my office on the ninth day of March, 1869, with the objection of the Governor thereto on the same becoming a law.

(Signed)

M. F. A HOFFMANN,

Secretary of State.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, March 9, 1869. }

Enrolled Act of the House of Representatives No. 60, entitled "An act for the incorporation and continuance of insurance companies, authorizing them to reinsure their risks, exempting certain policies of life insurance companies from attachment by creditors, making all policies non-forfeitable after two full annual payments, and declaring an emergency," was presented to me at this Department on the afternoon of the fifth day of March, 1869.

On the morning of the previous day, each House of the General Assembly was deprived of a quorum by the resignation of seventeen Senators and thirty-seven Representatives.

The Constitution, Article V, section fourteen, provides that "No bill shall be presented to the Governor within two days next previous to the final adjournment of the Generaal Assembly."

If the resignation of a sufficient number of members to break the quorum in each House operates as a final adjournment of the General Assembly, within the meaning of the provision above cited, then the bill in question was not presented in time.

As, however, the now resigning members, although less than a quorum, and therefore not competent to transact business, remained in session until the 8th day of March, 1869, when the session expired by constitutional limitation, in my judgment the final adjournment of the General Assembly did not take place until the day last named.

The same section of the Constitution further provides that "if any bill shall not be returned by the Governor within three days, Sundays excepted, after it shall have been presented to him, it shall be a law without his signature, unless the general adjournment shall prevent its return. In which case it shall be a law unless the Governor, within five days next after such adjournment, shall file such bill, with his objections thereto, in the office of the Secretary of State."

Now, as the bill under consideration was presented to me on the afternoon of Friday, March 5, 1869, on the supposition that the general adjournment contemplated by the Constitution did not take place until Monday, March 8, as before intimated, I was prevented by the general adjournment from returning it within three days, Sundays excepted, from the time of its presentation, and therefore if I wish to object to its becoming a law at all, I must do so, by filing the bill, with my objections thereon, in the office of the Secretary of State within five days next after such adjournment. This I now proceed to do.

The object of the bill seems to be threefold, namely :

1. To provide for the incorporation of life insurance companies.
2. To compel existing life insurance companies, under severe penalties, to adopt the provisions and conform to the requirements of the bill.
3. To regulate the business of life insurance to a certain extent, no matter by whom conducted, and especially to throw restraints

around agents of foreign companies doing a life insurance business in this State.

I object to the bill because it would be almost wholly inoperative to accomplish either of these objects. As a means of incorporating insurance companies it is very defective. It contains none of the details necessary to perfect such important organization. It contemplates that there should be stock subscriptions to the amount of at least \$100,000, but it fails to divide the stock into shares, or to designate of what amount each share shall consist. It contemplates a President, Secretary and Directors, but makes no provision for their election, nor does it prescribe the number of Directors. The voting power or capacity of stock held is also undefined.

The Constitution, in terms, requires that "dues from corporations other than banking shall be secured by such individual liability of the corporators, or other means, as may be prescribed by law."

This bill does not pretend to prescribe any security for the dues of the corporations to be created under it, either by rendering the corporators individually liable, or by any other means.

The second object, as before suggested, contemplated by the bill, is to compel existing life insurance companies, under severe penalties, to adopt its provisions and conform to its requirements. This is a matter clearly unattainable by such legislation. Franchises granted to existing companies have become matters of contract and can not be withdrawn or impaired at the pleasure of the Legislature. The Legislature ought not to prescribe heavy penalties for doing the very things which they have authorized existing companies by previous legislation to do. The prescribing of penalties which can not be enforced has a tendency to beget a disrespect for law, and for the authority of the law-making power.

As to the third or last object sought to be attained by the bill, namely—the restraining of agencies of foreign life insurance companies—the bill would be entirely inoperative, as the title is too limited to justify any such legislation under it.

The title relates exclusively to the incorporation and continuance

of domestic insurance companies; and all that is attempted by the bill in relation to foreign agencies is not expressed in the title, nor matter properly connected with the subject therein expressed.

I think the bill is so manifestly an act of hasty and ill-considered legislation that it ought not to go upon the statute book until each House shall have had an opportunity to reconsider it.

For these reasons I file said bill, with these my objections thereto, in the office of the Secretary of State, within five days next after the final adjournment of the Legislature, to the end that the General Assembly may, at its next session, have an opportunity to reconsider the subject.

CONRAD BAKER,
Governor.

The question being, shall the bill pass over the Governor's message containing objections.

Mr. Cory moved that the bill and message be referred to the Committee on Insurance.

Mr. Chittenden moved to amend by referring to the Committee on the Judiciary.

Mr. Mitchell moved to lay the message on the table, and make the bill and message the special order for 10 o'clock to-morrow.

Which was not agreed to.

The question being on the amendment by Mr. Chittenden, to refer the bill and message to the Committee on the Judiciary.

It was not agreed to.

The question recurring on the motion by Mr. Cory.

It was not agreed to.

The question being, shall House bill No. 60 pass over the Governor's objections?

Those who voted in the negative were,

Messrs. Addison, Admire, Baker, Bates, Beeler, Britton, Breck-

inridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Cory, Cotton, Cunningham, Davidson, Dittemore, Dunn, Fairehild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Lawler, Logan, Long, Mason, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Rudell, Sabin, Shoemaker, Skidmore, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, and Mr. Speaker—80.

So the bill did not pass.

Mr. Pierce, of Vigo, offered the following resolution :

Resolved, That his Excellency the Governor be requested to furnish to this House the number and names of all the prisoners confined in the penitentiaries of this State, who have received pardons since the first day of January, 1867, to the first day of April, 1869, also the crimes for which they were convicted, and the periods of time for which they were to be imprisoned.

Which was agreed to.

Mr. Dunn, from the Committee on the Judiciary, by consent, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 334, "A bill in relation to Criminal Circuit Courts and the Judges thereof," have had the same under consideration and respectfully recommend its immediate passage.

Which was concurred in.

Mr. Dunn moved to suspend the constitutional rule requiring bills to be read on three several days, and that House bill No. 334 be read a second and third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Barritt, Beeler, Breckinridge, Calvert, Chittenden, Cory, Cotton, Davidson, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutson, Johnson of Parke, Jump, Kercheval, Long, Mason, McBride, McDonald, Millekan, Miller, Mitchell, Mock, Neff, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Shoemaker, Skidmore, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Union, Wilson and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Admire, Britton, Carnahan, Cave, Chapman, Cunningham, Dittemore, Higbee, Hutchings, Hyatt, Johnson of Montgomery, Logan, McGregor, Miles, Montgomery, Odell, Palmer, Williams of Hamilton, Williams of Knox, and Zollars—20.

So the motion to suspend the Constitutional rule did not prevail.

Mr. Kercheval, from the Committee on Banks, by consent, made the following report :

MR. SPEAKER :

The Committee on Banks, to whom was referred Senate bill No. 161, "A bill to provide for the organization of Savings Banks, and the safe and proper management of their affairs," have had the same under consideration, and have directed me to report the following amendment :

SECTION 56. Whereas an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage, and when so amended, they recommend its passage.

Which was laid on the table.

Mr. Stewart of Rush, offered the following resolution by consent:

Resolved, By the House, that in view of the large amount of business now demanding action, that no new measure will be entertained until the calendar shall have been called once through, and all pending matter be disposed of.

Which was laid over under the rule.

Mr. Cory moved to suspend the regular order of business, for the purpose of taking up House bill No. 333.

Messrs. Cory and Dittimore demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barnett, Barritt, Bates, Britton, Calvert, Carnahan, Cave, Chapman, Cory, Cotton, Cunningham, Dittimore, Field of Lake, Field of Lagrange, Fuller, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McFaddin, McGregor, Miles, Mitchell, Montgomery, Neff, Odell, Palmer, Pierce of Porter, Shoemaker, Stanton, Sunman, Welborn, Wile, Williams of Knox and Zenor—42.

Those who voted in the negative were,

Messrs. Baker, Beeler, Breckinridge, Chittenden, Davidson, Dunn, Fairchild, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Johnson of Parke, Jump, Kercheval, Mason, Millekan, Miller, Osborn, Overmyer, Pierce of Vigo, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of Union, Wilson and Mr. Speaker—39.

So the motion to suspend the regular order of business prevailed.

House bill No. 333. "A bill appropriating \$60,000 to defray the expenses of the Special Session of the Forty-sixth General Assembly."

Was read a third time.

Mr. Vater moved that the bill be referred to the Committee on Ways and Means, with instructions to inquire into the expediency of passing this before all other appropriation bills.

Mr. Neff moved to lay the motion on the table.

Messrs. Osborn and Stanton demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barnett, Barritt, Bates, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Cory, Cotton, Cunningham, Dittimore, Field of Lake, Field of Lagrange, Fuller, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Lawler, Logan, Long, Mason, McBride, McDonald, McFadin, McGregor, Miles, Mitchell, Mock, Montgomery, Neff, Odell, Palmer, Pierce of Porter, Sabin, Shoemaker, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Welborn, Wile, Wildman, Williams of Knox, Wilson and Zenor—53.

Those who voted in the negative were,

Messrs. Baker, Beeler, Chittenden, Davidson, Dunn, Fairchild, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Jump, Kercheval, Millekan, Miller, Osborn, Overmyer, Pierce of Vigo, Ruddell, Skidmore, Smith, Underwood, Vardeman, Vater, Williams of Hamilton, Williams of Union and Mr. Speaker—29.

So the motion to lay on the table prevailed.

Mr. Gordon moved that the House do now adjourn.

Which was not agreed to.

Mr. Barritt moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bates, Britton, Breekinridge, Calvert, Carnahan, Cave, Chapman, Cory, Cotton, Cunningham, Dittmore, Dunn, Field of Lake, Field of Lagrange, Fuller, Gilham, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Lawler, Logan, Long, Mason, McBride, McDonald, McFadin, McGregor, Miles, Mitchell, Mock, Montgomery, Neff, Odell, Overmyer, Palmer, Pierce of Porter, Sabin, Shoemaker, Stanton, Stephenson, Stewart of Ohio, Sunman, Taber, Welborn, Wile, Wildman, Wilson, and Zenor—53.

Those who voted in the negative were,

Messrs. Baker, Beeler, Chittenden, Davidson, Fairchild, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Jump, Millekan, Miller, Osborn, Pierce of Vigo, Ruddell, Skidmore, Smith, Stewart of Rush, Underwood, Vardeman, Vater, Williams of Hamilton, Williams of Knox, Williams of Union, and Mr. Speaker—27.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the same.

Mr. Osborn, by consent, offered the following resolutions:

Resolved, That the President and Secretary of the Indiana Central Railroad be and they are hereby requested to report to this House a copy of the official reports made by the officers of said Company, from their organization up to this time, and especially to report the amount paid by the State to said Company for the transportation of troops, provisions and munitions of war, from 1860 to this time.

That the Clerk of the House be and he is hereby directed to furnish a copy of these resolutions to said officers immediately.

Which was agreed to.

On motion by Mr. McGregor, the House adjourned.

TUESDAY AFTERNOON, 2 O'CLOCK.

House met.

Mr. John S. Davis appeared within the bar of the House, presented his credentials, and was sworn in by the Speaker as a member of the House.

The Speaker announced the following committees:

NO. TWENTY-ONE—MILEAGE AND ACCOUNTS.

Messrs. Miller, Cave, Millekan, Taber, Odell and Cox.

NO. TWENTY-TWO—CORPORATIONS.

Messrs. Chittenden, Dunn, Odell, Breckinridge, Davidson, Neff and Cotton.

NO. TWENTY-THREE—CANALS.

Messrs. Vardeman, Hutson, Hyatt, Hamilton, Shoemaker, Millekan and Mock.

NO. TWENTY-FOUR—PUBLIC EXPENDITURES.

Messrs. Williams of Union, Beeler, Miner, Davidson, Greene, Palmer and Miles.

NO. TWENTY-FIVE—FEDERAL RELATIONS.

Messrs. Wildman, Jump, Shoemaker, Pierce of Porter, Chapman, Johnson of Montgomery, and Fuller.

NO. TWENTY-SIX—CITY OF INDIANAPOLIS.

Messrs. Williams of St. Joseph, Overmeyer, Montgomery, Williams of Union, Vater, Cotton and Bates.

NO. TWENTY-SEVEN—CITIES AND TOWNS.

Messrs. Wilson, Stanton, Odell, Beeler, Taber, Sleeth and Miles.

NO. TWENTY-EIGHT—ENGROSSED BILLS.

Messrs. Stephenson, Tebbs, Miles, Underwood, Field of Lake, McDonald and McGregor.

NO. TWENTY-NINE—ON ROADS.

Messrs. Millekan, Field of Lagrange, Shoemaker, Higgins, Miller, Addison and Palmer.

NO. THIRTY—STATISTICS.

Messrs. Baker, Stanton, Cave, Underwood, Ratliff, Wile and McDonald.

NO. THIRTY-ONE—INSURANCE.

Messrs. Johnson of Parke, Underwood, Chittenden, Neff, Rudell, Sleeth and Cory.

NO. THIRTY-TWO—ON PRINTING.

Messrs. Stewart of Ohio, Skidmore, Montgomery, Higgins, Johnson of Parke, Long and McBride.

NO. THIRTY-THREE—MEXICAN AND TEXAS CATTLE.

Messrs. Barnett, Lamborn, Bates, Furnas, Field of Lagrange, Carnahan and Sunman.

JOINT STANDING COMMITTEES.

NO. ONE—ON ENROLLED BILLS.

Messrs. Mitchell, Bobo, Overmyer, Osborn, McFadin and Chapman, on part of the House.

NO. TWO—ON PUBLIC BUILDINGS.

Messrs. Williams of Hamilton, Sleeth and Field of Lagrange, on part of the House.

NO. THREE—STATE LIBRARY.

Messrs. Fairchild, Williams of St. Joseph, and Hutchings, on part of the House.

NO. FOUR—CANAL FUND.

Messrs. Hall, Mock, and Stewart of Rush, on part of the House.

SPECIAL RAILROAD COMMITTEE.

Messrs. Osborn, Fairchild, Neff, Vater, Coffroth, Kercheval and McFadin.

The Speaker announced that he had signed enrolled Senate Acts Nos. 48, 90, 231, 17, and 58.

Mr. Vater moved that the regular order of business be suspended in order to receive a report from the Committee on Ways and Means.

Which was agreed to.

A message was received from the Senate by Mr. Wilson, the Secretary thereof.

MR. SPEAKER:

A transcript of the testimony taken by the Joint Prison Committee during the regular session of the General Assembly, is herewith presented to the House, in compliance with the request thereof, and by order of the Senate.

I am also directed by the Senate to inform the House that the President has signed the following bills thereof, to-wit:

Enrolled Senate bill No. 17, entitled "An act to regulate the sale of patent rights, and to prevent frauds in connection therewith."

Also, enrolled Senate bill No. 48, entitled "An act providing for the protection of the banks of water courses by securing the bushes growing along said banks from the ravages of stock."

Also, enrolled Senate bill No. 231, entitled "An act to amend section two of an act to provide for a State Debt Sinking Fund," approved December 21, 1865, making the Governor a member of the Board of State Debt Sinking Fund.

Also, enrolled Senate bill No. 58, entitled "An act to amend

section 16 of an act regulating the fees of officers, and repealing former acts in relation thereto;" approved March 2, 1865.

Also, enrolled Senate bill No. 90, entitled "An act to amend the thirty-fourth sub-division of section fifty-three of an act entitled "An act to repeal all general laws now in force for the incorporation of cities."

Which are herewith transmitted to the House for the signature of the Speaker.

Mr. Stanton, from the Committee on Ways and Means, made the following report:

MR. SPEAKER:

The Committee on Ways and Means, to whom was referred House bill No. 311, "A bill making specific appropriations for the year one thousand eight hundred and sixty-nine," have had the same under consideration, and direct me to report the same back, and that said bill be amended by adding thereto sections 30 and 62 inclusive, as follows:

SEC. 30. That the sum of \$35 be allowed to A. W. Melsheimer, for rent of parlor at Macy House, and lights and fuel for the use of the House Committee on Claims, during the regular session of the General Assembly for 1869.

SEC. 31. That the sum of \$30 be allowed to Thos. C. McCann, (Doorkeeper,) for services in summoning witnesses to appear before special committee of the House.

SEC. 32. That the sum of \$19 be allowed R. C. Arnold as payment in full for all services rendered by him as sheriff in aid of the Morgan Raid Commission.

SEC. 33. That the sum of \$20 be allowed to C. H. Bingham for advertising on account of Morgan Raid Commission.

SEC. 34. That the sum of \$4.30 be allowed W. W. Tuley, Clerk of Floyd County, in full for services rendered to Morgan Raid Commission.

SEC. 35. That the sum of \$33 be allowed to Henry Zenor, Sheriff

of Harrison County, in full for official services rendered to Morgan Raid Commission.

SEC. 36. That the sum of \$67 20 be allowed to William Hancock, Clerk of Harrison County, in full payment for official services rendered to Morgan Raid Commission.

SEC. 37. That the sum of \$35 be allowed to the "Commercial Company," of New Albany, Ind., in full for advertising and printing done for Morgan Raid Commission.

SEC. 38. That the sum of \$30 be allowed to George Fultz, for attendance upon Morgan Raid Commission, as Sheriff of Washington County.

SEC. 39. That the sum of \$36 be allowed to J. F. Cutshaw, Clerk of Washington County, in full for services to Morgan Raid Commission.

SEC. 40. That the sum of \$22 70 be allowed to Thomas J. Fullenlove, Sheriff of Floyd County, in full payment for services rendered to Morgan Raid Commission.

SEC. 41. That the sum of \$27 be allowed to Norman & Mathews in full payment for advertising and printing done for Morgan Raid Commission.

SEC. 42. That the sum of \$20 be allowed to John F. Cheek, Clerk of Dearborn County, in full for services to Morgan Raid Commission.

SEC. 43. That the sum of \$437 03 be allowed Wm. & J. Braden, for stationery furnished for Morgan Raid Commission.

SEC. 44. That the sum of \$5 be allowed to Pleasant W. Randall, in full for services in printing for Morgan Raid Commission.

SEC. 45. That the sum of \$5 be allowed to A. S. & R. A. Conner, for advertising meeting of Morgan Raid Commission in Jennings County.

SEC. 46. That the sum of \$32 be allowed to W. M. Daley, Clerk of Ripley County, in full for services to Morgan Raid Commission.

SEC. 47. That the sum of \$5 be allowed to W. A. Winter, in full for service to Morgan Raid Commission.

SEC. 48. That the sum of \$3 be allowed to John Scott, Sheriff of Jackson County, in full for attendance upon Morgan Raid Commission.

SEC. 49. That the sum of \$33 be allowed to J. G. W. Trayler, Clerk of Scott County, in full payment for services and moneys paid out on account of Morgan Raid Commission.

SEC. 50. That the sum of \$12 be allowed William Wilson, Sheriff of Scott county, in full for services rendered the Morgan County Raid Commission.

SEC. 51. That the sum of \$18 be allowed A. L. Shannon, Sheriff of Jefferson county, for services in full for the Morgan Raid Commission.

SEC. 52. That the sum of \$20 be allowed M. C. Garber & Co. for payment in full for advertising and printing done for the Morgan Raid Commission.

SEC. 53. That the sum \$30 90 be allowed D. G. Phillips, Clerk of Jefferson county, in full, for services rendered for the Morgan Raid Commission.

SEC. 54. That the sum of \$5 be allowed Will S. Vawter, in full, for printing done for the Morgan Raid Commission.

SEC. 55. That the sum of \$25 be allowed to Daniel Hayford, in full, for printing and advertising for the Morgan Raid Commission.

SEC. 56. That the sum of \$25 be allowed Calvin Jones, in full, for printing and advertising done for the Morgan Raid Commission.

SEC. 57. That the sum of \$29 75 be allowed to A. Bookwalter, in full payment for printing and advertising done by him for the Morgan Raid Commission.

SEC. 58. That the sum of \$80 be allowed George W. C. Self, for sixteen days' services as Assistant Clerk for the Morgan Raid Commission.

SEC. 59. That the sum of \$842 42 be allowed the city of Indianapolis for money expended in making a sidewalk around the Governor's Circle.

SEC. 60. That the sum of \$869 40 be allowed Hall, Semple & Co., for money paid out in building work-shops in the Southern Prison.

SEC. 61. That the sum of \$3,138 72 be allowed Hall, Moore and Burkhardt, for money furnished in building workshops in the State Prison South.

SEC. 62. That the sum of \$99 be allowed George Arnold in repayment of the sum of \$50, and the interest thereon, since January 4, 1853, being the amount then paid by said Arnold for forty acres of swamp land, the title to which was then in one Samuel Swanger; and when so amended, they recommend its passage.

On motion, the report of the committee was concurred in, and the amendments agreed to.

Mr. Williams, of Knox, moved that the House do now take up House bill No. 311, with amendments.

Which was agreed to.

House bill No. 311. A bill making specific appropriations for the year one thousand eight hundred and sixty-nine (1869), was taken and considered *seriatim*.

The following amendments were offered:

Mr. Davidson offered the following amendment:

Resolved, That the Committee of Ways and Means be instructed to incorporate in the Specific Appropriation Bill an allowance of \$113 50, to be paid to Lucy Shaffer, widow of the late Nelson

G. Shaffer, deceased, the same being the amount expended in defraying the funeral expenses, and the expenses of the last sickness of said Shaffer; he, at the time of his death, being a member of this body.

Which was agreed to.

Mr. Stewart of Rush, offered the following amendment:

That the sum of \$2,000 be appropriated to erect a monument to the memory of General P. A. Hackleman, in East Hill Cemetery, Rush county, Indiana, where his remains are laid. The sum to be drawn on the Warrant of the Auditor of Rush county, when the Trustees of said Cemetery shall certify to him that the monument has been erected.

Mr. Chittenden offered the following substitute for Mr. Stewart's amendment:

Amend section five. The following sums are hereby appropriated: \$1,000 to the erection of a monument for the late Governor A. P. Willard; \$1,000 to the late General P. A. Hackleman, and \$2,000 for Ex-Governor Jennings, for the erection of monuments; to be expended under the supervision of a Committee of three on the part of the House, and two of the Senate, and Governor Conrad Baker.

Which was agreed to.

Mr. Underwood offered the following amendment:

Amend by adding the following section:

SEC.— That the sum of \$100 each be allowed to William M. Merwin, Principal Clerk, and John O. Hardesty, Assistant Clerk, for indexing the Journal of this Special Session.

Which was agreed to.

Mr. Stanen, by consent, made the following report:

MR. SPEAKER,

The Committee on Claims to whom was referred the Claim of

the Committee on State Prisons of the House of Representatives, for mileage in visiting said Prisons, have instructed me to report in favor of allowing the following, viz :

J. H. Ruddell,	744 miles.....	\$89 28
J. Lamborn,	528 miles.....	63 36
S. J. Barrett,	528 miles.....	63 36
E. C. Field,	528 miles.....	63 36
W. Y. Monroe,	528 miles.....	63 36
H. G. Davis,	528 miles.....	63 36
C. R. Cory,	528 miles	63 33
B. F. Williams,	216 miles.....	25 92

And that the same be placed in the Specific Appropriation Bil.

Mr. Ruddell,	528 miles.....	\$63 36
Mr. Lamborn,	528 miles.....	63 36
Mr. Barrett,	528 miles.....	63 36
Mr. Field,	528 miles.	63 36
Mr. Monroe,	528 miles.....	63 36
Mr. Davis,	528 miles.....	63 36
Mr. Cory,	528 miles.....	63 36
Mr. Ruddell, for one trip to State Prison South	216 miles.....	25 92
Mr. Williams of Union,	216 miles.....	25 92

Mr. Greene moved to lay the report on the table.

Which was agreed to.

Mr. Ruddell moved to amend by adding the following:

SEC. —. That J. B. Merriwether, J. W. Vannoy, N. S. Ferrier,

C. T. Nixon, Conrad Baker, John M. Commons, James K. Falconer, John S. Reid, Henry French, William Jones, John M. Glass, J. S. Hall, A. W. Hall, Dr. L. W. Beckwith, John F. Matthews, H. T. Sage, R. J. Forsyth, H. A. Whitick, William Gorham, Henry Lawrence, D. M. Allen, T. J. Downs, B. C. Pyle, R. S. Haskell, Dr. David McClure, J. H. McCampbell, Eli McCauley, James L. Bradley, J. M. S. Mattock, L. S. Shuler and William Howard, be allowed one dollar each, for one day's attendance as witnesses before the Committee on Prisons.

Mr. Osborn moved to strike out the name of "John F. Matthews."

Mr. McFadin moved to lay the motion on the table.

Which was agreed to.

Mr. Welborn moved that the bill be considered as engrossed, and that it be deemed expedient to suspend the Constitutional rule requiring bills to be read on three several days, and that the bill be read a third time now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Beeler, Britton, Breckinridge, Calvert, Carnahan, Chapman, Chittenden, Cory, Cotton, Cox, Cunningham, Davidson, Davis of Floyd, Dittmore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Lawler, Logan, Long, McBride, McDonald, McGregor, Millekan, Miller, Mitchell, Mock, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Shoaff, Skidmore, Shoemaker, Sleeth, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Zenor and Mr. Speaker—76.

These who voted in the negative were,

Messrs. Admire and Bates—2.

So it was deemed expedient to suspend the constitutional rule, to read a third time now.

By consent, Mr. Stanton offered the following amendment:

SEC. —. That A. E. and W. H. Drapier be allowed, for the same number of copies of the Brevier Legislative Reports of the Forty-sixth General Assembly and Special Session, as have been every session since 1857, the same price paid per page for the last several volumes.

Which was agreed to.

House bill No. 311. A bill making specific appropriations for the year one thousand eight hundred and sixty-nine.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Bates, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Cory, Cotton, Cunningham, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Gilham, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Kercheval, Logan, Long, Mason, McBride, McDonald, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Montgomery, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Wilson, Zenor, Zollars, and Mr. Speaker—77.

Those who voted in the negative were,

Messrs. Odell and Sleeth—2.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Stanton, by consent, introduced

House bill No. 340. "A bill to make certain appropriations, and upon certain conditions therein expressed."

Which was read a first time, and referred to the Committee on Benevolent Institutions, with instructions to report to-morrow.

Mr. Ruddell, by consent, introduced

House bill No. 341. An act creating the Twenty-fifth Judicial Court, providing for the election of a Judge thereof; providing for a transfer of actions thereto, and declaring an emergency.

Which was read a first time, and referred to a select committee composed of members from the counties named in the bill.

The Speaker laid before the House a communication from the Governor containing propositions for an Agricultural College.

A Message from the Governor, by John M. Commons, his Private Secretary :

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, April 10, 1869. }

Gentlemen of the Senate and House of Representatives :

It affords me great pleasure to transmit to you copies of a proposition received yesterday from Hon. John Purdue, a liberal minded and generous citizen of your own State, whereby he proposes to drop \$150,000 of his private fortune to the use of the Agricultural College upon certain conditions mentioned in the proposition.

I trust this munificent offer will receive a prompt, careful and

earnest consideration in connection with the subject of the location of the Institution, which has already commanded so much attention.

Whatever your ultimate decision may be in relation to the location of the Institution, the liberality and generosity of Mr. Purdue's offer can not fail to command the admiration of all those who know how to appreciate a public spirited and unselfish dedication of private wealth to the public benefit.

CONRAD BAKER.

To His Excellency Conrad Baker, Governor of Indiana:

SIR: As the General Assembly at its present session will doubtless be called upon to consider the question relating to the establishment and location of the Agricultural College, contemplated by the act of Congress of July 2, 1862, I desire to avail myself of the opportunity to tender a testimonial to the county in which I have spent thirty years of the ripeness of my life, and also to manifest my interest in the cause of collegiate education, by offering (as I now do through your Excellency to the State of Indiana), to donate the sum of \$150,000 for the use of said College, provided the General Assembly will secure me in the following conditions:

1. Locate the said College at such point in Tippecanoe county as may be decided upon by a majority of the present Board of Trustees of the Indiana Agricultural College, to whom I shall be added as a member.

2. Name the Institution, by an irrevocable law, "Purdue University."

3. Provide that I be a member of the Board of Trustees having the control of said Institution, and should I cease to be such, I be retained as an advisory member thereof, and have visatorial power over the University my lifetime.

Upon these conditions I offer this donation, which I agree to pay in yearly installments of \$15,000, until the full sum of \$150,000 is paid; and I am prepared to tender my obligations accordingly, as may be required.

I will thank you to present my offer to the Houses of the General Assembly for their consideration.

Very respectfully, yours,

(Signed)

JOHN PURDUE.

April 15, 1869.

The Speaker announced the following committee on House bill No. 341:

Messrs. Mitchell, Montgomery, Admire, Odell and Sleeth.

Mr. Higbee, from Special Committee, made the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 154, "A bill to authorize Boards of Commissioners of the several counties in this State to levy taxes for the purpose of making subscriptions to the capital stock of any railroad company, and providing for the collection of such taxes and the subscription of such stock," beg leave to report that they have considered the bill and amendments referred, and report the following substitute, and recommend its passage:

"A bill to authorize the Boards of Commissioners of the several counties in this State to levy taxes for the purpose of donations and subscriptions to the capital stock of any railroad company, and providing for the collection of such taxes, and the subscription of such stocks and donations."

Which report was laid on the table.

ORDERS OF THE DAY.

Message from the Senate, by Mr. Wilson, the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed engrossed Senate bill No. 320, entitled an act to amend the first section of "an act to fix the time of holding the

Courts of Common Pleas in the Fifth Judicial District, repealing all laws on the same subject," approved February 9, 1867, legalizing the acts of certain of said Courts, repealing the act on same subject, approved February 24, 1869, and declaring an emergency.

In which the House is requested to concur.

Engrossed Senate bill No. 320. A bill to amend the first section of an act to fix the time of holding the Courts of Common Pleas in the Fifth Judicial District, repealing all other laws in conflict on the same subject, approved February 9, 1867, legalizing the acts of certain of said Courts, repealing the acts on same subject, approved February 24, 1869, and declaring an emergency.

Which was read a first time.

Mr. Stewart, of Ohio, moved that the constitutional rule be suspended, so that Senate bill No. 320, and House bill No. 334, can be read a second time by title, and a third time by sections.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Cory, Cotton, Davidson, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miller, Miles, Mitchell, Montgomery, Neff, Osborn, Overmyer, Palmer, Pierce of Porter, Ratliff, Ruddell, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Wilson, Zenor, Zollars, and Mr. Speaker—77.

Mr. Odell voting in the negative.

So it was deemed expedient to suspend the rule requiring bills to be read on three several days, and the bills were read a second time by title, and a third time by sections.

Senate bill No. 320 was read a second time by title, and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Barritt, Bates, Beeler, Breckinridge, Carnahan, Cave, Chapman, Cotton, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Lawler, Logan, Long, McDonald, McFadin, McGregor, Miller, Miles, Mitchell, Mock, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Wilson, Zenor, Zollars, and Mr. Speaker—76.

Mr. Admire voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the same.

House bill No. 334,

Was read a second time by title.

Mr. Stanton moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill be ordered to be engrossed.

It was agreed to.

House bill No. 334. A bill in relation to Criminal Circuit Courts and Judges thereof.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Bates, Beeler, Britton, Breckinridge, Calvert, Carnahan, Chapman, Cory, Cotton, Cox, Davidson, Davis of Floyd, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Jump, Kercheval, Long, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Mitchell, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Wilson, Zenor and Mr. Speaker—72.

Those who voted in the negative were,

Messrs. Admire, Cave, Lawler, Miles, Montgomery, Palmer and Zollars—7.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill.

It was so ordered.

Ordered, that the Clerk inform the Senate of the same.

Mr. Shoemaker from the Committee on Manufactures and Commerce, by consent, submitted the following report:

MR. SPEAKER:

Your Committee to whom was referred House bill No. 283, a bill regulating the employment of persons under sixteen years years of age, in cotton and woolen factories, and providing for the education of such persons, have had the same under consideration and direct me to report the same back with a recommendation that it do pass.

Mr. Shoemaker moved to suspend the regular order of business and take up House bill No. 283.

Which was agreed to.

House bill No. 283,

Was read a second time.

Mr. Kercheval moved to amend section two by striking out "eleven" where it occurs, and insert "ten" in lieu thereof.

Mr. Stewart of Ohio, moved to amend the amendment, by striking out "ten" and inserting "eight" in lieu thereof.

The question being on the amendment to the amendment, and no quorum voting, Mr. Wile moved that House bill No. 283, be made the special order for Thursday next, at ten o'clock A. M.

Which was agreed to.

On motion of Mr. McFadin, the House adjourned.

WEDNESDAY MORNING, 9 o'CLOCK, }
 April 21, 1869. }

The House met.

The Clerk proceeded to read the Journal.

When on motion of Mr. Stanton, the further reading was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Williams of Union, presented a claim of Daniel Keely, for services rendered during the war, amounting to \$3,236.

Which was, with the accompanying affidavits, referred to the Committee on Claims.

Mr. Higbee presented a petition from citizens of Lagrange, asking the passage of a prohibitory liquor law.

Which was referred to the Committee on Temperance, without reading.

Mr. Britton presented a remonstrance from sundry citizens of the State, asking that the General Assembly do not take action on the 15th Article of Amendment to the Constitution of the United States, until an expression is had from the people.

Which was referred to the Committee on Federal Relations.

REPORTS OF STANDING COMMITTEES.

Mr. Stanton from the Committee on Ways and Means made the following report :

MR. SPEAKER:

The Committee on Ways and Means, to whom was referred the report of His Excellency, Governor Baker, of his disbursement of the sum of three thousand dollars, appropriated by act of March

7th, 1867, entitled an act to protect and indemnify officers and soldiers of the United States and officers and soldiers of the Indiana Legion, for acts done in the military service of the State of Indiana, have had the same under consideration, and find that he has strictly conformed to the provisions of the act authorizing him to disburse the same, and that no further action is necessary in the premises.

Which, on motion, was concurred in.

Mr. Dunn, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred House bill No. 277, "A bill to authorize partnerships to bring and maintain suits in their adopted names in certain cases," would respectfully report that they have had the same under advisement, and now recommend its passage.

Which report was laid on the table.

Mr. Overmyer, from the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

Your Committee, to whom was referred Senate bill No. 211, "A bill defining what counties shall constitute the Eighth Judicial Circuit, and fixing the times of holding courts therein," have had the same under consideration, and now recommend its passage.

Which report was laid on the table.

Mr. Breckinridge, from the Committee on Rights and Privileges of the Inhabitants of the State, made the following report:

MR. SPEAKER:

Your Committee, to whom was referred the petitions of citizens of Jefferson county, praying that Preston B. Wilson, of said county, be released from the payment of \$227, school money, alleged to have been stolen, or that an appropriation be made him of that

amount from the State Treasury, have had the same under consideration, and would recommend that the further consideration of the subject be indefinitely postponed.

Which report was concurred in.

Mr. Furnas, from the Committee on Rights and Privileges of the Inhabitants of the State, made the following report :

MR. SPEAKER :

Your Committee on Rights and Privileges, to whom was referred House bill No. 291, defining who shall be eligible to vote at any general, county, township or municipal election, have had the same under consideration, and beg leave to return the same, and ask that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Skidmore, from the Committee on Manufactures and Commerce, made the following report :

MR. SPEAKER :

Your Committee, to whom was referred House bill No. 317, entitled " A bill for the protection of manufacturers of cotton and woolen goods within this State," have had the same under consideration, and recommend the following amendment :

After the words " manufacturers of cotton," in the first section and seventh line, insert " woolen or any other articles manufactured within this State;" and when so amended, recommend its passage."

Which report was laid on the table.

Mr. Higbee, from the Committee on County and Township Business, submitted the following report :

MR. SPEAKER :

Your Committee, to whom was referred House bill No. 289,

"A bill regulating the election of certain township officers, providing that no elector shall vote for a supervisor who does not reside in the road district of said elector," &c., have had the same under consideration, and have directed me to report the same back, with the recommendation that it do lie upon the table.

Which report was concurred in.

Mr. Cunningham, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

Your Committee on County and Township Business, to whom was referred House bill No. 318, entitled "An act to amend section three (3) of an act providing for the election, and prescribing certain duties of County Surveyors," approved June 11, 1852, have had the same under consideration, and recommend the following amendments:

In section one (1), insert after the words "has been surveyed" within five years."

Also, strike out section two (2), and insert the following:

"All laws or parts of laws in conflict with the provisions of this act, are hereby repealed."

When so amended, your Committee recommend me to report in favor of its passage.

Which, on motion, was laid on the table.

Mr. Britton, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 221, "An act to provide for a uniform system of book-keeping in the office of County Treasurers and County Auditors," have had the same under consideration, and direct me to report the same back, and recommend that the same do lie upon the table.

Which report was concurred in.

Mr. Mason, from the Committee on County and Township Business, made the following report :

MR. SPEAKER :

The committee, to whom was referred House bill No. 298, " A Bill to enable Land Commissioners and Engineers to select swamp lands, and receive the same in payment for services heretofore rendered as such Commissioner or engineer, and prescribing the manner in which such selections and entries shall be made," have had the same under consideration, and direct me to report the same back to the House, and recommend that the same do pass.

Which report was laid on the table.

Mr. Mason, from the Committee on County and Township Business, made the following report :

MR. SPEAKER :

Your committee, to whom was referred Senate bill No. 89, entitled " A bill to amend an act entitled ' an act to enable the owners of wet lands to drain and reclaim them where the same can not be done without affecting the lands of others, prescribing the powers and duties of County Boards and County Auditors in the premises, and repealing all laws inconsistent herewith,' approved March 11, 1867, by amending sections three, four, five, six, nine and eleven, and adding section sixteen, to provide for entering satisfaction of lines acquired under said act," have had the same under consideration, and direct me to report the same back to the House, and recommend that the same do pass.

Which report was laid on the table.

Mr. Sabin, from the Committee on County and Township Business, made the following report :

MR. SPEAKER :

Your Committee, to whom was referred House bill No. 319, a bill repealing an act entitled an act to amend the seventeenth section of an act entitled an act providing for the organization of County Boards, and prescribing some of their powers and duties,

approved March 4, 1869, beg leave to report that they have had the same under consideration, and that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Hyatt, from the Committee on County and Township Business, submitted the following report:

MR. SPEAKER:

Your Committee, to whom was referred House bill No. 299, in relation to levees and drains, have had the same under consideration, and direct me to report the same back and recommend its passage.

Which report was laid on the table.

Mr. Pierce, of Porter, from the Committee on Benevolent and Scientific Institutions, made the following report:

MR. SPEAKER:

Your Committee on Benevolent and Scientific Institutions, to whom was referred House bill No. 340, "An act to make appropriations for certain purposes, and upon certain conditions therein expressed," have had the same under examination, and instruct me to report the same back, and recommend its passage.

Which report was laid on the table.

Mr. Pierce, of Porter, by consent, introduced

House Joint Resolution No. 13. "A joint resolution for the relief of Martha Toombs, of Scott County, Indiana."

Which was read a first time, and passed to a second reading.

Mr. Millekan, from the Committee on Roads, made the following report:

MR. SPEAKER:

Your Committee on Roads, to whom was referred House bill No. 307, "A bill authorizing plank, macadamized and gravel roads to enter upon the lands adjacent thereto, to make ditches and drains, and to take therefrom materials to keep such roads in repair, and to enter upon any lands and take materials therefrom to construct any such roads, providing the mode of assessment of damages therefor; adopting uniform rates of tolls

thereon and declaring an emergency," have had the same under consideration, and have directed me to report the same back, with the recommendation that the same be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Millekan, from the Committee on Roads, submitted the following report :

MR. SPEAKER :

Your Committee on Roads, to whom was referred Resolution No. 33, requesting said Committee to inquire whether the Central Plank Road Company have been or are now taking or demanding more toll than their charter allows of their taking or demanding, and whether they have not by their acts forfeited their charter, (said Committee to have power to send for persons and papers,) have had the same under consideration, and direct me to report the same back with the information that there is not sufficient time for your Committee to make such examination as will enable them to give an intelligent opinion on the subjects embraced in the resolution. Your Committee, therefore, wish to be excused from the further consideration of the matter.

Which report was concurred in.

Mr. Millekan, from the Committee on Roads, made the following report :

MR. SPEAKER :

Your Committee on Roads, to whom was referred House bill No. 303, "A bill repealing section twenty-four of an act authorizing plank, macadamized and gravel roads roads, approved May 12, 1852, have had the same under consideration, and have directed me to report the same back with the recommendation that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Millekan, from the Committee on Roads, made the following report:

MR. SPEAKER:

Your Committee, to whom was referred House bill No. 245, "A bill to amend section three of an act authorizing the construction of plank, macadamized and gravel roads, and empowering the same to make sale of a portion of the roads, approved February 28, 1855, and repealing all laws inconsistent therewith," have had the same under consideration, and direct me to report the following amendment, to-wit:

Strike out all of the first section after the word "follows," in the eighteenth line, and insert the following:

"The proportion of toll per mile upon such road as the cost of constructing such bridge bears to the average cost per mile of constructing their road."

And, when so amended, your Committee recommend its passage.

Which report was laid on the table.

Mr. Palmer, from the Committee on Roads, made the following report:

MR. SPEAKER:

Your Committee, to whom was referred House bill No. 239, "A bill defining who shall elect supervisors of roads, and repealing all laws in conflict therewith," have had the same under consideration, and direct me to report the same back, with the recommendation that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

REPORTS OF SPECIAL COMMITTEES.

Mr. Osborn, from the special railroad committee, made the following report:

MR. SPEAKER:

The special railroad committee, to whom was referred House

bill No. 322, "A bill to enable railroad companies which have formed articles of associaton to name the place to and from which the proposed roads are to be constructed, to perfect their lines by connections, to preserve their franchises, and to define the extent, character and privileges of the same," have had the same under consideration, and recommend that, inasmuch as there is an emergency for the passage of the bill, that it be passed at the earliest possible day by this House.

Which report was laid on the table.

Mr. Stanton, from the special committee on rooms, made the following report:

MR. SPEAKER:

Your special committee on procuring rooms for the meeting of the committees of the House, respectfully report that, in their opinion, the rooms in this building afford ample accommodation for the committees.

They suggest that the committees on Ways and Means, Special Railroad Committee, on Elections, on Banks and Trust Funds, Benevolent and Scientific Institutions, Federal Relations, and on the Affairs of the City of Indianapolis, meet in the north room, on the first floor, on the east side of the Hall. That the committees on Claims, Swamp Lands, Military Affairs, Sinking Fund, Rights and Privileges, Agriculture, Canals, Insurance, and Printing, meet in the room in the rear of the room occupied by the State Board of Agriculture. That the committees on State Prisons, Railroads, Manufactures and Commerce, Temperance, Corporations, Statistics and Emigration, in the north room, on west side, on first floor. That the committees on County and Township Business, Mileage and Accounts, Public Expenditures, Roads, Organization of Courts, Education, Fees and Salaries, Mexican and Texas Cattle, shall meet in the second room from the north end, on the west side, upon first floor. The Judiciary Committee will meet in the south room, on the west side, on first floor.

These rooms are, at present, in charge of Mr. Slocumb, who was in charge of committee rooms at last session, and they recommend that he be continued in care of the same.

Which report was concurred in.

Mr. Coffroth presented a remonstrance from sundry citizens of Switzerland and Ohio counties, asking the General Assembly not to take action on the 15th article of amendment to the Constitution of the United States, until an expression is had from the people.

Which was read and referred to the Committee on Elections.

Mr. Williams, of Knox, from the Special Committee from each Congressional District, made the following report :

MR. SPEAKER :

Your special committee of two, appointed to look after bills Nos. 78 and 170, have made diligent search, and are in a fair way to find the lost bills, and ask further time on 170, and that bill 78 be placed on the files for the action of the House.

Which was agreed to.

Mr. Stanton offered the following resolution :

Be it resolved by the House of Representatives, the Senate concurring, That a committee of five, consisting of three upon the part of the House, and two upon the part of the Senate, be appointed to visit the National Asylum for Disabled Soldiers at Dayton, Ohio, with a view of determining upon the expediency of transferring the inmates of the Soldiers' Home at Knightstown to said Asylum at Dayton.

Which was agreed to.

Ordered, That the Clerk inform the Senate of the same.

Mr. Underwood, from the Committee on Engrossed Bills, submitted the following report :

MR. SPEAKER :

Your Committee on Engrossed Bills have carefully compared engrossed bill No. 186 with the original bill, and find it in all respects correctly engrossed.

Mr. Mitchell, from the Joint Standing Committee on Enrolled Bills, submitted the following report :

MR. SPEAKER :

The Joint Standing Committee on Enrolled Bills on the part of the House, beg leave to report that they have examined and compared enrolled House bill No. 332 with the original bill, and find it correctly enrolled.

Mr. Ruddell moved that the regular order of business be suspended, so as to take from the table the evidence of the special committee on prisons.

Which was agreed to.

Mr. Underwood moved that the evidence produced by the committee be laid on the table, and two hundred copies be printed for the use of the House.

Mr. Field of Lake, obtained leave of absence for to-day.

Mr. Williams, of Knox, offered the following resolution :

Resolved, That two hundred copies of the report and evidence be printed and referred to the Judiciary Committee, with instructions to inquire whether these Directors and others are not liable to the State for a violation of law ; and if so, to authorize suit to be brought against said parties.

Mr. Dunn offered the following resolution :

Resolved, That the report be concurred in, the committee discharged, and all papers, notes of evidence, depositions, &c., be sent to the Attorney General, with instructions to commence such proceedings against parties implicated as, he may deem proper under the law.

Mr. Overmyer moved to lay the motion to refer and print, and also the substitute therefor, on the table.

Mr. Cunningham demanded a division of the question.

It was so ordered.

The question being on the motion to lay the substitute on the table.

Messrs. Overmyer and Barnett demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bates, Beeler, Breckinridge, Carnahan, Cave, Coffroth, Cory, Cotton, Cunningham, Davis of Floyd, Fairchild, Field of Lagrange, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Parke, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McDonald, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Montgomery, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Zenor, Zollars, and Mr. Speaker—73.

Those who voted in the negative were,

Messrs. Baker, Barnett, Calvert, Davidson, Dunn, Hutson, and Wilson—7.

So the substitute was laid on the table.

Mr. Williams, of Knox, by unanimous consent, withdrew a part of his motion which relates to the Committee on the Judiciary.

The question recurring on the motion to print two hundred copies, It was agreed to.

Mr. Coffroth offered the following resolution :

Resolved, That the omitted testimony of J. B. Merriweather be printed with the other testimony taken by the committee.

Mr. Vater moved to amend by saying "that the same be printed when the blank be filled in said testimony."

Mr. Coffroth moved that the amendment by Mr. Vater be laid on the table.

Messrs. Vater and Ruddell demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Bates, Calvert, Cave, Chapman, Coffroth, Cotton, Davis of Floyd, Dunn, Greene, Hamilton, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Lawler, Logan, Long, McFadin, Miller, Mock, Montgomery, Neff, Odell, Palmer, Pierce of Vigo, Shoaff, Sleeth, Smith, Tebbs, Wile, and Williams of Knox—34.

Those who voted in the negative were,

Messrs. Baker, Barnett, Barritt, Beeler, Breckinridge, Carnahan, Chittenden, Cory, Cunningham, Davidson, Fairchild, Field of Lagrange, Fuller, Gilham, Gordon, Hall, Higbee, Hutchings, Hutson, Kercheval, Lamborn, Mason, McBride, McDonald, Millekan, Mitchell, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoemaker, Skidmore, Stanton, Stephenson, Stewart of Ohio, Sunman, Taber, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—50.

So the motion to lay on the table did not prevail.

Mr. Johnson, of Parke, moved the following as a substitute for the amendment offered by Mr. Vater:

“That the committee be requested to fill the blank.”

Mr. Chittenden moved that the amendment offered by Mr. Johnson, of Parke, be laid on the table.

Messrs. Johnson, of Parke, and Chittenden, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Beeler, Britton, Breckinridge, Chittenden, Davidson, Dittmore, Dunn, Fairchild, Field of Lagrange, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Jump, Lamborn, McGregor, Miles, Osborn, Overmyer, Ruddell, Sabin, Skidmore, Sleeth, Stanton, Stephenson, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of Union, Wilson, Zollars and Mr. Speaker—39.

Those who voted in the negative were,

Messrs. Admire, Baker, Bates, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cunningham, Davis of Floyd, Gilham, Hamilton, Hutson, Hyatt, Johnson of Montgomery, Johnson, of Parke, Lawler, Logan, Long, Mason, McBride, McDonald, McFadin, Miller, Mitchell, Mock, Montgomery, Neff, Odell, Palmer, Pierce of Vigo, Ratliff, Shoaff, Sleeth, Sunman, Tebbs, Wile, Williams of Knox and Zenor—40.

So the motion to lay on the table did not prevail.

The question being on the motion made by Mr. Johnson of Parke.

Messrs. Johnson and Vater, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Bates, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cunningham, Davis of Floyd, Hamilton, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Lawler, Logan, Long, Mason, McDonald, McFadin, McGregor, Mock, Montgomery, Neff, Odell, Osborn, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Shoaff, Sleeth, Smith, Sunman, Tebbs, Wile, Williams of Knox and Zenor—39.

Those who voted in the negative were,

Messrs. Baker, Beeler, Britton, Breckinridge, Chittenden, Davidson, Dittmore, Dunn, Fairchild, Field of Lagrange, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Jump, Lamborn, McBride, Miller, Overmyer, Ruddell, Sabin, Skidmore, Stanton, Stephenson, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of Union, Wilson, Zollars and Mr. Speaker—38.

So the amendment was agreed to.

The question being on the motion by Mr. Coffroth.

Mr. Wilson moved to lay the same on table.

Messrs. Johnson of Parke, and Vater demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Beeler, Breckinridge, Chittenden, Cory, Davidson, Dittemore, Dunn, Fairchild, Field of Lagrange, Furnas, Gilham, Greene, Hall, Higgins, Jump, Lamborn, McGregor, Miller, Overmyer, Ruddell, Sabin, Skidmore, Smith, Santon, Stephenson, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of Union, Wilson, Zollars and Mr. Speaker—37.

Those who voted in the negative were,

Messrs. Addison, Admire, Bates, Britton, Carnahan, Cave, Chapman, Coffroth, Cotton, Cunningham, Davis of Floyd, Gordon, Hamilton, Higbee, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Lawler, Logan, Long, McBride, McDonald, McFadin, Miles, Mock, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Shoaff, Sleeth, Sunman, Tebbs, Wile, Williams of Knox and Zenor—41.

So the motion to lay on the table did not prevail.

Mr. Ruddell moved that the House do now adjourn.

Which was not agreed to.

The question being on the motion by Mr. Coffroth, as amended by Mr. Johnson of Parke,

Mr. Johnson of Parke moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the motion by Mr. Coffroth, Messrs. Johnson, of Parke, and Vater demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Bates, Carnahan, Cave, Chapman,

Coffroth, Cory, Cotton, Cunningham, Davis of Floyd, Field of La-grange, Hamilton, Higbee, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Kercheval, Lawler, Logan, Long, McFadin, McGregor, Miller, Miles, Mock, Montgomery, Neff, Odell, Palmer, Osborn, Pierce of Vigo, Ratliff, Shoaff, Skidmore, Sleeth, Stewart of Rush, Sunman, Tebbs, Wile, Williams of Knox, and Zenor—43.

Those who voted in the negative were,

Messrs. Baker, Beeler, Breckinridge, Chittenden, Davidson, Dittmore, Gordon, Greene, Hall, Hutchings, Jump, Lamborn, Overmyer, Pierce of Porter, Ruddell, Sabin, Smith, Stephenson, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of Union, Wilson, and Mr. Speaker—29.

So the motion by Mr. Coffroth prevailed, and the omitted testimony was ordered to be printed.

The Speaker announced that he had signed House Enrolled Act No. 332.

Mr. McFadin moved that the House now adjourn.

Which was agreed to.

WEDNESDAY, 2 O'CLOCK P. M.

The House met.

ORDERS OF THE DAY.

MESSAGES FROM THE SENATE.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following bill thereof, to-wit: Senate Bill No. 328, entitled "An act to prescribe the places at which the several District Boards of Equalization shall meet in the several Congressional

H. J. Ex. S.—10.

Districts as now constituted," in which the concurrence of the House is requested.

Engrossed Senate Bill No. 328. "A bill to prescribe the places at which the several District Boards of Equalization shall meet in the several Congressional Districts as now constituted."

Was read a first time, and passed to a second reading.

Message from the Senate by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following bills, to-wit:

House bill No. 332, entitled "An act to fix the time of holding the Common Pleas Courts in the Twenty-Second District."

Which is herewith returned to the House.

Also, Senate bill No. 85, entitled "A bill to amend the sixtieth section of an act entitled an act to repeal all general laws in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Also, Senate bill No. 100, entitled "An act to amend the sixth section of an act for the relief of the Indiana University, and to increase and extend its benefits by providing for the sale of the lands granted by the United States for the use of the said University, regulating the application of the proceeds of the sales thereof, and prescribing the duties of the officers therein mentioned in relation thereto," approved March 2, 1859.

In which the concurrence of the House is requested.

Engrossed Senate bill No. 100, entitled "A bill to amend the sixth section of an act for the relief of the Indiana University, and to increase and extend its benefits by providing for the sale of the lands granted by the United States for the use of said University, regulating the application of the proceeds of the sales thereof, and

prescribing the duties of the officers therein mentioned in relation thereto," approved March 2, 1859.

Was read a first time, and passed to a second reading.

Engrossed Senate bill No. 85. "A bill to amend the sixtieth section of an act entitled an act to repeal all general laws in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Was read a first time, and passed to a second reading.

Mr. Underwood moved that Senate bill No. 8 be taken from the table and placed upon the files, so that it can be read a second time now.

Which was not agreed to.

Engrossed Senate bill No. 292. "A bill to transfer the county of Brown from the First to the Second Judicial Circuit, to provide for the time of holding Courts therein, and to repeal all laws in conflict therewith, and declaring an emergency."

Was read a second time, and passed to a third reading.

Engrossed Senate bill No. 290. A bill creating the Twenty-sixth Judicial Circuit, and fixing the times of holding Courts therein, and fixing the times of holding the Courts in the Fourth Judicial Circuit.

Was read a second time.

Mr. Cory moved that the constitutional rule be suspended for the purpose of reading Senate bill No. 290 a third time now, and putting it upon its passage.

Mr. Zollars moved to add also Senate bill No. 292.

Mr. Kercheval moved to add Senate bill No. 161.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Beeler, Breckinridge, Calvert, Carnahan, Cave, Chapman, Cory, Cotton, Dittmore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Higbee, Higgins, Hutchings, Hutson, Jump, Kercheval, Lamborn, Mason, McBride, McGregor, Millekan, Miller, Mitchell, Mock, Osborne, Overmyer, Palmer, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Union, Wilson, Zollars, and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Barritt, Bates, Britton, Coffroth, Cox, Davidson, Davis of Floyd, Hyatt, Johnson of Parke, Johnson of Montgomery, Logan, McFadin, Miles, Montgomery, Odell, Pierce of Vigo, Shoemaker, Wile, Williams of Hamilton, Williams of Knox, and Zenor—21.

So it was not deemed expedient to suspend the rule requiring bills to be read on three several days.

Mr. Cory moved that it be deemed inexpedient to suspend the constitutional rule requiring bills to be read on three several days, and that Senate Bill No. 290 be read a third time, now, and put upon its passage.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barritt, Bates, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Chittenden, Chapman, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis of Floyd, Dittmore, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Greene, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Lawler, Long, McBride, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Montgomery, Neff, Osborn, Palmer, Pierce of Porter, Ruddell, Sabin, Shoemaker, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn,

Wile, Wildman, Williams of Knox, Williams of Union, Zenor, Zollars, and Mr. Speaker—70.

Those who voted in the negative were,

Messrs. Dunn, Gordon, Jump, Kercheval, Lamborn, Odell, Overmyer, Pierce of Vigo, Ratliff, Skidmore, Sleeth, Stephenson, Williams of Hamilton, and Wilson—14.

So it was deemed inexpedient to suspend the constitutional rule.

Senate Bill No. 290 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis of Floyd, Dittimore, Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Johnson of Montgomery, Johnson of Parke, Jump, Lawler, Lamborn, Long, McBride, McFadin, McGregor, Millekan, Miller, Mitchell, Mock, Montgomery, Neff, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Smith, Stanton, Stephenson, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Union, Wilson, Zenor, Zollars, and Mr. Speaker—78.

Those who voted in the negative were,

Messrs. Field of Lake, Hyatt, Logan, Odell, Palmer, Sleeth, Stewart of Ohio, and Williams of Knox—8.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Overmyer moved that the constitutional rule be suspended, so as to take up Senate Bill No. 292, and read a third time now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were,

Messrs. Baker, Beeler, Breckinridge, Chapman, Chittenden, Davidson, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higgins, Hutson, Johnson of Parke, Jump, Kercheval, Lamborn, Long, McGregor, Millekan, Miller, Mitchell, Overmyer, Pierce of Porter, Ratliff, Ruddell, Skidmore, Sleeth, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Underwood, Vardeman, Welborn, Williams of Hamilton, Williams of Union, Wilson, Zollars, and Mr. Speaker—46

Those who voted in the negative were,

Messrs. Addison, Admire, Barnett, Barritt, Bates, Britton, Calvert, Carnahan, Cave, Cory, Cotton, Cunningham, Davis of Floyd, Dittimore, Fuller, Higbee, Hyatt, Johnson of Montgomery, Lawler, Logan, McBride, Miles, Mock, Montgomery, Neff, Osborn, Pierce of Vigo, Sabin, Shoemaker, Stephenson, Taber, Wile, Williams of Knox, and Zenor—34.

So it was not deemed expedient to suspend the rules.

Message from the Senate by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

I am instructed by the Senate to inform the House that the Senate has passed the concurrent resolution of the House in reference to the appointment of a joint committee to visit the National Asylum for Disabled Soldiers at Dayton, Ohio, with a view to determining upon the expediency of transferring the inmates of the Soldiers' Home at Knightstown to said Asylum, and that the Senate has appointed on the part thereof,

Senators Hadley and Laselle.

Mr. Furnas moved to suspend the order of business, and take up engrossed House bill No. 194.

Which was agreed to.

Engrossed House bill No. 194. A bill to provide for the publication and distribution of the Annual Reports of the Indiana State Board of Agriculture and of the Indiana State Horticultural Society.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Bates, Beeler, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cunningham, Davidson, Davis of Floyd, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Lamborn, Logan, Long, McBride, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Sunman, Taber, Tebbs, Underwood, Vardeman, Vatter, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Zenor, Zollars, and Mr. Speaker—78.

None voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Beeler moved to suspend the order of business, and take up House bill No. 286.

Which was not agreed to.

Mr. McFadin moved to suspend the order of business, and take up House bill No. 168.

Which was agreed to.

House bill No. 168. A bill for the encouragement of the destruction of foxes and wild cats.

Was read a second time.

Mr. Britton offered the following amendment:

Strike out "fifty cents," and insert "one dollar," where the same occurs.

Which was agreed to.

Mr. Davidson moved to strike out "foxes," and insert "red foxes."

Mr. Neff moved to lay the motion on the table.

Which was agreed to.

On motion by Mr. McFadin, the bill was ordered to be engrossed.

Mr. Long moved to suspend the regular order of business, for the purpose of taking up House bill No. 292, and putting it on its passage.

Which was not agreed to.

Engrossed Senate bill No. 161. "A bill to provide for the organization of Savings Banks, and the proper management of their affairs."

Was read a second time.

Mr. Coffroth moved to refer the bill to the Committee on the Judiciary.

Mr. Zollars moved to lay the motion to refer on the table.

No quorum voting, the Speaker ordered a call of the House.

Those who answered to their names were,

Messrs. Admire, Baker, Barnett, Barritt, Bates, Beeler, Britton, Breckinridge, Calvert, Carnahan, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Hig-

gins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Lamborn, Logan, Long, Mason, McBride, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Union, Wilson, Zenor, Zollars, and Mr. Speaker—84.

A quorum answering to their names, the further call was dispensed with.

Message from the Senate by Mr. Wilson, the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the President thereof has signed enrolled act No. 332, House of Representatives, entitled "An act to fix the time of holding the Common Pleas Court in the Twenty-second District."

And the same is herewith returned to the House.

The question being, on the motion by Mr. Zollars to lay the motion to refer on the table.

Messrs. Zollars and Welborn demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Beeler, Britton, Breckinridge, Chittenden, Davidson, Dittemore, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Mason, McGregor, Millekan, Mitchell, Odell, Overmyer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Sleeth, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Vardeman, Wildman, Williams of Hamilton, Williams of Union, Wilson and Zollars—48.

Those who voted in the negative were,

Messrs. Admire, Barnett, Bates, Calvert, Carnahan, Chapman,

Coffroth, Cotton, Cunningham, Davis of Floyd, Dunn, Hutchings, Hyatt, Lamborn, Logan, McBride, McFadin, Miller, Montgomery, Neff, Osborn, Palmer, Pierce of Porter, Skidmore, Smith, Stanton, Sunman, Tebbs, Vater, Welborn, Wile, Williams of Knox, Zenor and Mr. Speaker—36.

So the motion to lay on the table prevailed.

Mr. Mitchell offered the following amendment :

“ Amend section —, by adding, after the words ‘severally worth five thousand dollars in real estate,’ the words exclusive of perishable improvements.”

Which was agreed to.

The question being on concurring in the report of the committee, and the adoption of the amendments,

It was agreed to.

Mr. Ratliff moved to reconsider the vote by which the House laid on the table, the motion by Mr. Coffroth, to refer the bill to the Committee on the Judiciary.

Which was agreed to.

The question recurring on the motion, by Mr. Coffroth, to refer the bill to the Committee on the Judiciary,

It was agreed to.

Engrossed Senate bill No. 89. A bill to amend an act entitled “An act to enable the owners of wet lands to drain and reclaim them, where the same can not be done without affecting the lands of others, prescribing the powers and duties of County Boards and County Auditors in the premises, and repealing all laws inconsistent herewith, approved March 11, 1867, by amending sections three, four, five, six, nine and eleven, and adding section sixteen, to provide for entering satisfaction of leins acquired under said act.”

Was read a second time.

Mr. Palmer offered the following amendment :

Strike out all after the enacting clause, and insert the following :

That section three of the above entitled act be, and is hereby amended so as to read as follows, to-wit :

SECTION 1. The owners of such land shall, if residing in the county in which said lands, or some part thereof, are situated, and are known to such applicant, have two days notice of the time and place of the meeting of such appraisers, to commence the work of making said assessment, and may attend before the appraisers, and be heard on the subject of the proposed assessment. The notice shall be in writing and state the time and place when and where such appraisers shall meet to make such assessment, and shall contain a succinct description of the proposed work, giving beginning and ending and the general course thereof; and if a ditch, the width and depth and length, and the average rate of fall per mile thereof, and if an embankment, levee, or breakwater, the width, hight, and length thereof; also the names of the owners of the lands through which said work is proposed to be done, or which will be effected hereby, so far as their names shall be known to the applicants, and if any of the owners are known as non-residents to the applicants, the notice shall show that they are non-residents. Such notice shall be served upon all owners, of such lands residing in the county where the lands are situated, if they are known to the applicant as being the owners thereof, by either reading the same to such owner, or by leaving a copy at his usual place of residence in said county; but if any of the owners of such lands are non-residents of the county in which the lands are situated, then such notice shall be given by publishing the same for three consecutive weeks in a weekly newspaper of general circulation published in the county, and if there be no such newspaper published in the county, then to be published in some weekly newspaper of general circulation nearest the proposed work. Notice by publication may be proven by affidavit as in other cases, and service by reading or leaving a copy may be proved by the affidavit of the person making such service. Proof of the same by publication or otherwise, shall be filed with the other papers in the case, in the office of the County Auditor in which the proceedings are had.

SEC. 2. That section four (4) of said act be and the same is hereby amended to read as follows, to-wit:

"SEC. 4. Such appraisers, or any two of them, shall meet at the time and place mentioned in said notice, and shall proceed to examine all lands in any way liable to be affected by said work, whether described in the transcript of the application to them delivered by the applicant or not, and shall make out a schedule of the same, and shall assess the amounts of benefits or injuries to each tract or parcel of land respectively, and shall append to each tract or parcel of land the name or names of the owners, according to the best information; or, if the owners are unknown, they may so report, and they shall append thereto their affidavit that the same is, in all respects, a true assessment, to the best of their judgment and belief, and cause said assessment to be filed in the Recorder's office of the county in which the land is situated, and from which filing said assessment shall be a lien upon said several tracts of land respectively. *Provided*, That if any tract of land so assessed with benefits or damages was not described in the application in said proceedings, nor notice given as above required by this act, then, and in that case, it shall be the duty of the applicant, or his representative or assign, to cause a copy of said assessment to be served on the owner or owners of said land, if they reside in the county and are known to him; and if said person or persons notify said applicant, or his said representative, within ten days after service of said copy of assessment that they are dissatisfied with the assessment, then it shall be the duty of the applicant or his legal representative to notify said party or parties as required in this act, and also to notify the appraisers that on the day mentioned in said notice they are required to assess the benefits and damages to said land, and it shall be the duty of said appraisers, or any two of them, to meet at the time and place mentioned in said notice, and to reexamine said lands, and to reassess the same, and to report a schedule and assessment thereof to the Recorder of the county, in manner and form as required heretofore, only including said lands which assessment shall be supplemental to the original assessment, and shall be considered a part thereof, and shall take the place thereof as to said tracts, and shall be recorded in like manner, and shall be a lien in the same manner as in the original; and it is further provided that if the owners of said lands, or

any of them, do not notify said applicant, in writing, within ten days after notice by the service of said assessment on him that he is dissatisfied with said assessment, then as to any such person the original assessment shall be valid; *Provided*, That the applicant, his assignee, or personal representative, may collect of said assessments, respectively, such amount as is equal to the per centum which the whole cost of the construction of the proposed work, including damages assessed and necessary expenses, bears to the whole assessments of benefits."

SEC. 3. And that section five (5) be and is hereby amended so as to read as follows, to-wit:

"SEC. 5. Each appraiser shall receive as a compensation for his services two dollars per day for the time actually employed in making said assessments."

SEC. 4. That section nine (9) of said act be and the same is hereby amended so as to read as follows, to-wit:

"SEC. 9. That when said work is so far completed, according to the specifications in the application, that any parcel or tract of land will receive all the benefits of the contemplated work, or substantially as much as if the whole work was completed, then the whole amount assessed upon such land for the benefits accruing to the lands by reason of said work shall become due and collectable, as provided in section four (4) of this act, and so on until said work is completed; and when so completed, it shall be lawful for said applicant, his assignee, or personal representative, to demand of and receive from the owners of said land, or any one of them, the amount of benefits so assessed against his said lands in amount as is provided in section four (4) of this act, and if the same shall not be paid within ten days after demand: *Provided*, That if the owner of the land is a non-resident of the county, no demand is necessary—said applicant, his assignee, or personal representative, is hereby authorized to sue and collect the same in any court having jurisdiction to enforce liens on real estate, and if he prevails in his suit, he shall have judgment for his costs, and when such judgments and costs are paid, or said assessments are paid without suit, then the applicant, or his assignee, or representative shall enter a release of the assessment on the records in the Recorder's office for satisfaction of said judgment."

SEC. 5. That section eleven (11) of said act be and the same is hereby amended to read as follows :

“SEC. 11. Any person aggrieved by the proceedings of the appraisers may appeal the same to the Court of Common Pleas of the county, upon giving bond within the time, as in case of appeal from Justices of the Peace, except that said bond shall be filed with the Clerk of said Court; and then shall the question of such assessment found by the Court or jury continue to be a lien upon the land upon which such assessment is made; and when the same is satisfied, the applicant, his personal representative or assignee, shall enter satisfaction; and the appealing party, unless he succeed to get a change in the assessment in his favor on one-fifth of the assessment, shall pay the cost of the suit; but if he succeed in getting said change, then the other party shall pay the cost of suit.

SEC. 6. That section twelve (12) of said act be and the same is hereby amended so as to read as follows, to-wit :

“SEC. 12. Whenever any person or persons may desire to drain his or their lands by the construction of a new ditch into any communication with any ditch previously constructed upon the lands of any other person or persons, he or they shall have the benefit of the provisions of this act in the appointment of appraisers to estimate the benefit that would accrue to, or the damages likely to be sustained by, the person or persons through whose lands the same may pass, in order to communicate with such old ditch or outlet, and proceedings in such cases shall in all respects be similar to those in this act hereinbefore mentioned: *Provided, however,* That if the volume of water discharged by such new ditch is greater than the original was in capacity to carry off without too frequent overflow of adjoining lands, it shall be the duty of the person or persons constructing such new ditch to widen, deepen and enlarge the capacity of the old ditch so as to make it of sufficient size for the flow of such increased volume of water at the ordinary stages thereof; and, in case of failure or refusal so to do for the space of one month, or longer, after the construction of such new ditch, he or they shall be liable from time to time to the owners of the land along the line of such ditch for all damages he or they may sustain in consequence thereof, with ten per centum thereon and costs of

suit, to be recovered by suit in any court having jurisdiction in the proper county: *Provided, however*, if the lands of the applicant have been assessed with benefits, and the same have been paid for the construction of the said old ditch, then he shall not be liable to pay damages, nor need he enlarge said old ditch."

Mr. Ratliff offered the following amendment:

SEC. —. If any person through whose land said drain is to pass shall commence the construction of said ditch, within ten days after said assessment is filed, and prosecute the same without unreasonable delay to its completion through his land, then said assessment shall not be collected.

Mr. Pierce of Porter, moved that the bill with the amendments, be recommitted to the Committee on County and Township Business.

Mr. Stewart of Rush, moved to amend by referring to the Committee on Rights and Privileges of the inhabitants of the State.

Which was not agreed to.

The question recurring on the motion by Mr. Pierce of Porter.

It was agreed to.

The Speaker announced the following special committee on the part of the House to visit the Asylum for disabled soldiers, at Dayton, Ohio.

Messrs. Stanton, Greene and Neff.

Mr. Greene moved that Mr. Kercheval be added to said committee.

Which was agreed to.

Mr. Osborn moved to suspend the regular order of business for the purpose of taking up House bill No. 322.

A division being called and no quorum voting.

On motion of Mr. Mitchell, the House adjourned.

THURSDAY MORNING, 9 o'clock, }
 April 22, 1869. }

The House met.

Messrs. McGregor and Williams of Hamilton, asked and obtained leave of absence on account of sickness.

Mr. Cunningham moved to dispense with the reading of the Journal.

No quorum voting.

Mr. Hamilton moved a call of the House.

Which was agreed to.

Those who answered to their names were,

Messrs. Addison, Admire, Baker, Barnett, Barrett, Bates, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Marshall, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Lamborn, Logan, Long, Mason, McBride, McFadin, McGregor, Millekan, Miller, Miles, Minor, Mock, Montgomery, Neff, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—85.

On motion further proceedings under the call were dispensed with.

The question being on the dispensing with the reading of the Journal.

It was agreed to.

The Speaker laid before the House the following message from His Excellency, the Governor:

A message from the Governor, by John M. Commons, his private Secretary:

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, April 20, 1869. }

To the Honorable the House of Representatives:

In response to your resolution of this date, requesting that the Governor furnish to the House the number and names of all the prisoners confined in the Penitentiaries of this State, who have received pardons since the first day of January, 1867, to the first day of April, 1869, also the crimes for which they were convicted, and the period of time for which they were to be imprisoned. I beg leave to say that, in pursuance of section seventeen, of article five of the Constitution, I did, on the 20th day of January, 1869, make a report to the General Assembly, one copy of which was transmitted to each House, containing each case of reprieve, commutation, or pardon granted, and also the names of all persons in whose favor the remissions of fines and forfeitures were granted, with the several amounts remitted.

This report contained a statement of all reprieves, commutations, or pardons granted, and all fines and forfeitures remitted, either by Governor Morton or myself, since his last report, at the commencement of the session of the General Assembly of 1867, up to, and ending, the 31st day of December, 1868.

This report shows the crimes for which the persons pardoned were convicted, gives their names, the periods of time for which they were respectively sentenced, and the courts by which the sentences were respectively imposed, together with the grounds upon which the pardoning power was exercised.

The report above alluded to, contains all the information sought by the resolution of the House, except that it does not cover the period between the said 31st day of December, 1868, and the 1st day of April, 1869. As a repetition of the facts reported in the re-

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port alluded to, would involve a great deal of unnecessary clerical labor, it is supposed that this repetition is not desired by the House, but that a mere reference to the former report will suffice.

For the period subsequent to that covered by the report, the information will be communicated as soon as a report can be prepared.

CONRAD BAKER.

Which was laid on the table.

Mr. Underwood, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills, to whom was referred House bill No. 158, have compared the same with the original, and find it correctly engrossed.

INTRODUCTION OF RESOLUTIONS, BILLS, ETC.

Mr. Cox introduced

House bill No. 342. A bill defining the Eleventh Judicial Circuit Court, and fixing the times of holding the Courts therein.

Which was read a first time, and referred to the Committee on Organization of Courts.

Mr. Cunningham introduced

House bill No. 343. A bill to amend the first section of an act entitled an act to provide for the protection of fish, defining the time in which they may be taken, affixing a penalty for the violation of the same, approved March 9, 1867, and declaring an emergency.

Which was read a first time, and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Davidson introduced

House bill No. 344. A bill to provide for the election, and prescribing certain duties of Recorder, approved May 31, 1852.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Davis, of Elkhart, introduced

House bill No. 345, entitled "A bill for the protection of non-resident debtors to non-resident creditors, and for the protection of resident garnishees."

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Dittmore introduced

House bill No. 346. "A bill repealing section two of an act entitled "An act defining certain misdemeanors, and prescribing punishments therefor," approved December 2, 1865.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Dunn introduced

House bill No. 347. A bill to establish an Indiana Agricultural College, in connection with the State University, and to provide for its organization and government.

Which was read a first time, and referred to the Special Committee on that subject.

Mr. Fairchild introduced

House bill No. 348, entitled "A bill to create an Insurance Department; providing for the appointment of a Superintendent of the Insurance Department, fixing his compensation and that of his deputy; prescribing the duties of said Superintendent; authorizing the Auditor of State to perform the duties of Superintendent until January 1, 1871; prescribing the fees and assessments to be paid by home and foreign insurance companies, for the privilege of transacting business in this State, and the disposition to be made of such fees and assessments, and declaring an emergency."

Which was read a first time, and referred to the Committee on Insurance.

Mr. Field of Lake, introduced

House bill No. 349. A bill to amend an act to fix the time of holding the Circuit Courts in the Ninth Judicial Circuit, and repealing all laws inconsistent therewith; approved February, 15, 1859.

Which was read a first time, and passed to a second reading.

Mr. Field of Lagrange, introduced

House bill No. 350. A bill to amend the third section of an act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith, and declaring an emergency; approved March 11, 1867.

Which was read a first time, and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Kercheval introduced

House bill No. 351. A bill to amend section three of an act entitled "An act to fix the time of holding the Common Pleas Court in the several counties of this State, the duration of the terms thereof, and making all precepts from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith;" approved March 5, 1859.

Which was read a first time.

On motion, it was referred to a special committee, consisting of Messrs. Shoemaker, Bates and Cave.

Mr. Furnas introduced

House bill No. 352. A bill providing for a library of books in each of the penitentiaries, and also one for the Indiana State School of Reform, and making the necessary appropriation for defraying the expense of the same.

Which was read a first time, and referred to the Committee on State Prisons.

Mr. Gordon introduced

House bill No. 353. A bill to fix the compensation of county officers and their clerks or deputies, and providing how they shall receive the same, and providing for a record of all fees charged or allowed by law and received by them, and the distribution thereof; and defining how and when they shall make out their quarterly reports to the Board of County Commissioners, prescribing a penalty for the violation thereof, and fixing the time for the taking effect of this act, and repealing all laws in conflict therewith.

Which was read a first time, and referred to the Committee on Fees and Salaries.

Mr. Greene introduced

House bill No. 354, entitled "A bill regulating the salaries and allowances of County Auditors, Treasurers, Clerks and Sheriffs, and providing the means for paying the same, and regulating the allowances made by County Commissioners and Circuit and Common Pleas Courts; providing a penalty for the violation of the provisions of this act, and repealing all laws inconsistent therewith."

Which was read a first time, and referred to the Committee on Fees and Salaries.

Mr. Stephenson moved that the bill offered by Mr. Gordon and the one offered by Mr. Greene be made the special order for next Tuesday at 10 o'clock.

Which was agreed to.

Mr. Stephenson, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills report that they have compared engrossed House bill No. 168 with the original and find the same correct.

Mr. Hall introduced

House bill No. 355. A bill supplemental to an act for the protection of sidewalks.

Which was read a first time, and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Hamilton offered the following resolution :

Resolved by the House of Representatives, the Senate concurring, That the two Houses of the General Assembly meet in Joint Convention in the Hall of the House on to-morrow, Friday, April 23, 1869, at 12 o'clock, M., for the purpose of electing one Director for the Southern Prison.

The hour having arrived for the special order,

Mr. Welborn moved that the same be postponed until two o'clock this afternoon.

Which was agreed to.

Mr. Higgins introduced

House bill No. 356. A bill to enable occupants of lands surveyed by the United States, and bordering upon lakes, to hold and improve the same.

Which was read a first time.

On motion by Mr. Higgins, the bill was referred to a special committee, consisting of Messrs. Coffroth, Pierce of Porter, and Sabin.

Mr. Johnson, of Parke, introduced

House bill No. 357. A bill to empower County Commissioners to authorize Township Trustees to levy a tax for the purpose of repairing and insuring bridges.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Johnson, of Marshall, introduced

House bill No. 358. A bill in relation to City Judges.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Jump introduced

House bill No. 359. "A bill to provide for the protection of fish, preventing the trapping, netting, or seining thereof, and affixing a penalty for the violation thereof."

Which was read a first time, and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Lamborn introduced

House bill No. 360. "A bill to repeal all laws in relation to divorces in the State."

Which was read a first time.

Mr. Higgins moved to refer the bill to a special committee of five.

No quorum voting,

The Speaker ordered a call of the House.

Those who answered to their names were,

Messrs. Admire, Baker, Barnett, Bates, Beeler, Breckinridge, Calvert, Carnahan, Chapman, Coffroth, Cotton, Cox, Cunningham, Davidson, Davis of Floyd, Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Lamborn, Logan, Mason, McBride, McDonald, McFadin, Millekan, Miller, Miles, Miner, Mitchell, Mock, Monroe, Montgomery, Neff, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Shoaff, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vater, Welborn, Wile, and Mr. Speaker—68.

On motion, all further proceedings under the call were dispensed with.

The question being, on the motion by Mr. Higgins to refer to a special committee of five.

It was agreed to.

Said committee was made to consist of Messrs. Lamborn, Welborn, Davis of Elkhart, Field of Lake, and Stanton.

Mr. Mason introduced

House bill No. 361. A bill to enable railroad companies which have formed articles of association warning the counties through which said railroads are to pass, and to perfect their organizations.

Which was read a first time, and referred to the special committee on railroads.

Mr. McBride offered the following:

Resolved, That the Doorkeeper be instructed to contract for and have placed upon the tables of each member of this House one copy of the *Daily Evening Mirror*.

Mr. Pierce of Porter offered the following amendment:

“And one copy of the *Evening Commercial*.”

Mr. Furnas moved to lay the whole subject on the table.

Messrs. Wile and Vater demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Bates, Calvert, Carnahan, Cave, Chapman, Cory, Cotton, Davidson, Dunn, Fuller, Furnas, Gordon, Hamilton, Higgins, Hutson, Hyatt, Jump, Logan, Mason, McDonald, Millekan, Miller, Miner, Mitchell, Monroe, Odell, Osborn, Palmer, Ratliff, Shoaff, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Taber, Underwood, Vater, Wile, Zenor, and Zollars—42.

Those who voted in the negative were,

Messrs. Admire, Barnett, Barrett, Beeler, Breckinridge, Chittenden, Coffroth, Cox, Davis of Floyd, Dittemore, Fairchild, Field of

Lake, Field of Lagrange, Gilham, Greene, Hall, Higbee, Johnson of Montgomery, Johnson of Parke, Lawler, Lamborn, Long, McBride, McFadin, Miles, Mock, Montgomery, Neff, Overmyer, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Stanton, Stewart of Rush, Sunman, Vardeman, Welborn, Wildman, Williams of Knox, Williams of St. Joseph, Williams of Union, and Wilson—43.

So the motion to lay on the table did not prevail.

Mr. Coffroth moved to amend the amendment by adding the following:

“And also six copies of the *Weekly Volksblatt*,” to be wrapped and stamped.

Mr. Pierce of Porter, moved to lay the amendment on the table.

Messrs. Coffroth and Pierce of Porter, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Beeler, Breckinridge, Chapman, Chittenden, Davidson, Fairchild, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Mason, Millekan, Miller, Mitchell, Mock, Monroe, Osborn, Overmyer, Pierce of Porter, Ruddell, Skidmore, Smith, Stephenson, Stewart of Rush, Taber, Tebbs, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Union, and Wilson—42.

Those who voted in the negative were,

Messrs. Admire, Barnett, Barritt, Bates, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Davis of Floyd, Dittimore, Dunn, Field of Lake, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Lawler, Lamborn, Logan, Long, McBride, McDonald, McFadin, Miles, Miner, Montgomery, Neff, Odell, Palmer, Pierce of Vigo, Ratliff, Shoaff, Sleeth, Stewart of Ohio, Sunman, Williams of Knox, Williams of St. Joseph, Zenor and Zollars—45.

So the amendment was not laid on the table.

Mr. Coffroth moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the amendment of Mr. Coffroth,

Messrs. Vater and Furnas demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Admire, Addison, Barnett, Barritt, Bates, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Davis of Floyd, Dittemore, Fuller, Hamilton, Higgins, Hutchings, Hyatt, Johnson of Montgomery, Jump, Lawler, Lamborn, Logan, Long, McBride, McDonald, McFadin, Miles, Miner, Mock, Neff, Odell, Palmer, Pierce of Vigo, Ratliff, Shoaff, Sleeth, Stewart of Ohio, Sanman, Tebbs, Welborn, Williams of Knox. Zenor and Zollars—46.

Those who voted in the negative were,

Messrs. Baker, Beeler, Breckinridge, Chapman, Chittenden, Davidson, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Hutson, Johnson of Parke, Johnson of Marshall, Mason, Millekan, Miller, Mitchell, Monroe, Montgomery, Osborn, Overmyer, Pierce of Porter, Rudell, Sabin, Skidmore, Smith, Stephenson, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wile, Wildman, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—44.

So the amendment was not agreed to.

The question being on the resolution as amended,

Messrs. Hamilton and Underwood demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Admire, Barnett, Barritt, Calvert, Carnahan, Coffroth, Cory, Cotton, Cox, Cunningham, Davis of Floyd, Dittemore, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Lamborn, Long, McBride, McFadin, Miles, Miner, Mock, Montgomery, Neff, Palmer, Ruddell, Sleeth, Sunman, Tebbs, Welborn, Williams of Knox, and Zollars—33.

Those who voted in the negative were,

Messrs. Addison, Baker, Bates, Beeler, Breckinridge, Cave, Chapman, Chittenden, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Logan, Mason, McDonald, Millekan, Miller, Mitchell, Monroe, Odell, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Shoaff, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wile, Wildman, Williams of St. Joseph, Williams of Union, Wilson, Zenor and Mr. Speaker—56.

So the resolution was not agreed to.

Leave of absence was granted to the Special Committee to examine the geological collections of Dr. Owens.

Mr. McDonald introduced

House bill No. 362, entitled "A bill to provide a fund for the support and encouragement of Societies organized for the suppression of crime, and the arrest and punishment of the violators of the criminal laws of the State of Indiana.

Which was read a first time and referred to the Committee on County and Township Business.

Mr. McGregor introduced

House bill No. 263. A bill to fix the time of granting divorces and prescribing the penalty for violation.

Which was read a first time, and referred to the special committee on Divorce.

Mr. Miles introduced

House bill No. 364. A bill defining the duties of Prosecuting Attorneys of Criminal Courts of the State of Indiana.

Which was read a first time, and referred to the Committee on the Organization of Courts.

Mr. Mitchell introduced

House bill No. 365, entitled A bill to provide for the protection of Fish, defining the time in which they may be trapped, netted or seined, affixing the penalty for the violation of this act, repealing all laws, or parts of laws, coming in conflict with the provisions of this bill, and declaring an emergency.

Which was read a first time, and referred to the Committee on Rights and Privileges.

Mr. Monroe, by consent, presented a petition from a number of citizens of Monroe county, praying for compensation for damages sustained during the Morgan Raid.

Which was referred to the Committee on Ways and Means.

Mr. Montgomery introduced

House bill No. 366. A bill to repeal the Fish law.

Which was read a first time, and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Neff introduced

House bill No. 367, entitled A bill to amend an act entitled "An act to revise, simplify, and abridge, the rules, practice, pleadings, and forms in civil cases, in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity."

Which was read a first time, and referred to the Committee on the Judiciary.

The Speaker laid before the House the following communication from the Auditor of State, with a Message from the Governor accompanying:

STATE OF INDIANA,
OFFICE OF AUDITOR OF STATE,
INDIANAPOLIS, IND., April 16, 1869. }

To His Excellency, Conrad Baker:

SIR:—The appraisers along the line of the Indianapolis, Cincinnati and Lafayette Railroad, met at this Office on the 13th inst., and appraised said road with its branches at \$7,500. On the 15th inst., a portion of the appraisers along the line of the Columbus, Chicago, and Indiana Central Railroad, as I am informed, met at the town of Anderson, and appraised said road with its branches at \$3,500 per mile.

It seems to me that there is a glaring irregularity in these two appraisements. Similar irregularities will likely be shown in other Railroad appraisements.

As the law now stands, there is no remedy in the case, but for the State Board of Equalization, upon appeal, to reduce the appraisement of the Railroad which is appraised the highest. Said State Board has no other power of Equalization.

I would, therefore, respectfully suggest that you call the immediate attention of the Legislature to this matter, and recommend that the State Board of Equalization be vested with full powers to equalize all the appraisements of Railroads throughout the State, and that section eight of the act for the Appraisalment of Railroads be so amended that each line of road shall be separately appraised.

I have the honor to be, very respectfully,

JOHN D. EVANS,

Auditor of State.

Message from the Governor, by John M. Commons, Private Secretary :

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, April 22, 1869. }

To the Senate and House of Representatives :

I herewith respectfully transmit a communication of the Auditor of State as to the necessity of further legislation in relation to the appraisement of the railroad property of the State.

The law as it now stands is manifestly unjust to the State and to the owners of other kinds of property subject to taxation.

The State Board of Equalization should have power to increase or reduce the appraised value of any railroad if satisfied that the appraisement is not a proper one.

Under the existing provision a railroad may be appraised at less than half its value, and the State has no remedy; but the road, where it deems the appraisement too light, may appeal. The result of this will be that if a single road can succeed in procuring its road to be appraised at less than its fair value, all the other roads will appeal, with the view of having the appraisements of their roads reduced to the same standard, and thereby millions of property will escape taxation.

My attention has been called to the fact that there is no provision for the appraisement and taxation of railroads which may be constructed or completed after one periodic appraisement of real estate and before another. By this omission in our legislation, new railroads may escape taxation for a period of from one to four years. I respectfully recommend that this omission be supplied by appropriate legislation.

In conjunction with the Auditor of State, I have prepared a bill, which is herewith respectfully submitted for your consideration, the object of which is to obviate these and other defects in the present law providing for the appraisement of railroad property.

CONRAD BAKER.

Message from the Governor, by John M. Commons, Private Secretary :

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, April 22, 1869. }

To the House of Representatives :

GENTLEMEN : In further response to the resolution of the House, of the 20th instant, I herewith respectfully transmit a list of pardons granted from the first day of January, 1869, to the first day of April, 1869, showing the crimes of which each person pardoned was convicted, the date of the pardon, the time for which the prisoners were respectively sentenced, and the grounds upon which the pardoning power was exercised in each case.

This report, with the one submitted to your honorable body on the 20th day of January last, to which you are respectfully referred, contains all the information required by your resolution aforesaid.

CONRAD BAKER.

Mr. Neff, by consent, introduced

House bill No. 368. A bill supplemental to an act passed December, 1865, entitled an act to secure a just valuation and taxation of railroad property within this State, to legalize the valuation, assessment, adjustment, and payment of taxes for such property, made subsequent to the year 1859, and to amend sections five and eight of the same act.

Which was read a first time.

Mr. Neff moved to refer the bill to the Committee on Railroads.

Which was agreed to.

ORDERS OF THE DAY.

The hour having arrived for the Orders of the Day,

Mr. Williams, of Knox, moved that the same be suspended till the call of the roll for the introduction of bills shall be completed.

Which was agreed to.

Mr. Osborn introduced

House bill No. 369. A bill abolishing the office of Township Assessor, and providing that Township Trustees shall perform the duties heretofore performed by Township Assessors.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Overmyer introduced

House bill No. 370, entitled "A bill to amend section one hundred and three of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith," approved March 11, 1861.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Pierce, of Porter, introduced

House bill No. 371. A bill to amend an act entitled an act to provide for the opening, vacating, and change of highways, approved June 7, 1852.

Which was read a first time, and referred to the Committee on Roads.

Mr. Pierce, of Vigo, introduced

House bill No. 372, entitled a bill to define and make a criminal offense, extortion or attempted extortion, and prescribing the punishment therefor.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Osborn introduced

House bill No. 373. A bill providing for the vacation of highways and streets, and certain portions of either, and also for the opening of the same.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Ruddell introduced

House bill No. 374, entitled a bill to amend sections forty-four, forty-six, fifty-one, and fifty-three of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and the establishment and regulation of township libraries," &c.

Which was read a first time, and referred to the Committee on County and Township Business.

Mr. Smith introduced

House bill No. 375. A bill to amend section twenty-nine of an act entitled an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Stevenson introduced

House bill No. 376. "A bill to incorporate Life Insurance Companies, to make certain provisions concerning contracts of life insurance, and to regulate the agencies of Foreign Life Insurance Companies doing business in this State."

Which was read a first time, and referred to the Committee on Insurance.

Mr. Stanton introduced

House bill No. 377. A bill defining the duties of School Examiners and School Trustees, and providing for the examination of Teachers, &c.

Which was read a first time, and referred to the Committee on Education.

Mr. Ruddell presented a claim of Charles C. Campbell, late

H. J. Ex. S.—12.

Sheriff of Marion county, for money expended in the arrest of sundry persons therein named, in 1852.

Which was referred to the Committee on Claims without reading.

Mr. Welborn introduced

House bill No. 378, entitled "A bill to amend sections six, seven and ten, of an act entitled 'An act regulating granting divorces, nullifying marriages, decrees and orders of courts incident thereto, and declaring all laws and parts of laws in conflict, repealed.'"

Which was read a first time, and referred to the Special Committee on Divorces.

Mr. Sunman introduced

House bill No. 379. A bill in relation to the estate of minor heirs.

Which was read a first time, and passed to a second reading.

Mr. Tebbs introduced

House bill No. 380, entitled "A bill to amend section twenty-seven of an act entitled 'An act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and repealing all laws inconsistent therewith, providing penalties therein prescribed.'" Approved March 6, 1865.

Which was read a first time, and referred to the Committee on Education.

Mr. Hutchings moved that the House do now adjourn.

Ten members demanding the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Barritt, Bates, Britton, Breckinridge, Carnahan, Fairchild, Field of Lagrange, Johnson of Montgomery, Jump, Long, Millekan, Miner, Palmer, Ruddell, Sabin, Sunman, Williams of Union, Zenor and Mr. Speaker—22.

Those who voted in the negative were,

Messrs. Admire, Beeler, Calvert, Cave, Cotton, Cunningham, Davidson, Gordon, Greene, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Parke, Johnson of Marshall, Kercheval, Lawler, Lamborn, Logan, McFadin, Miller, Miles, Monroe, Montgomery, Odell, Pierce of Porter, Pierce of Vigo, Ratliff, Sleeth, Smith, Stanton, Stewart of Rush, Taber, Underwood, Vardeman, Welborn, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, and Zollars—41.

So the motion to adjourn did not prevail.

Whereupon the Speaker declared the House adjourned.

THURSDAY, 2 O'CLOCK, P. M.

The House met.

Mr. Britton obtained leave of absence until next Tuesday, on account of sickness of his family.

Mr. Ratliff moved that the special order be postponed until after the call be gone through with, for the introduction of bills.

Which was agreed to.

Mr. Underwood moved that House Bill No. 321 be taken up.

Which was agreed to.

Mr. Underwood moved that the constitutional rule be suspended

requiring bills to be read on three several days, and that House bill No. 321 be read a second time by title, and a third time by sections.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Barritt, Bates, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Chittenden, Cotton, Cunningham, Davidson, Davis of Floyd, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Johnson of Montgomery, Johnson of Parke, Kercheval, Lamborn, Logan, Long, Mason, McBride, McFadin, Millekan, Miller, Miner, Monroe, Montgomery, Neff, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Sabin, Shoemaker, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Zenor, Zollars, and Mr. Speaker—72.

Those who voted in the negative were,

Messrs. Admire, Cox, and Hyatt—3.

So it was deemed expedient to suspend the rule, and House bill No. 321 was read a second time by title.

Mr. Underwood moved that the bill be considered as engrossed, and read a third time now.

Which was agreed to.

House Bill No. 321, "A bill to amend an act entitled an act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and to complete unfinished school buildings, and pay debts contracted for, and authorizing the levy and collection of an additional school tax for the payment of the principal and interest of such bonds."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Bates, Beeler

Britton, Breckinridge, Calvert, Carnahan, Cave, Chittenden, Cotton, Davidson, Davis of Elkhart, Davis of Floyd, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Lamborn, Logan, Long, Mason, McBride, Millekan, Miller, Miner, Mitchell, Mock, Monroe, Montgomery, Odell, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Zollars, and Mr. Speaker—72.

Those who voted in the negative were,

Messrs. McFadin, Williams of Knox, and Zenor—3.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Overmyer, from the Committee on Organization of Courts, by consent, made the following report:

MR. SPEAKER:

Your Committee, on the Organization of Courts, to whom was referred Senate bill No. 110, entitled "An act creating the Twenty-fifth Judicial Circuit, providing for the election of a Judge and Prosecuting Attorney therein, and for their compensation, declaring the jurisdiction of the Courts in said Circuit, and providing for the transfer of actions thereto," have had the same under consideration, and have prepared the amendments as follows:

In the first section strike out the words "twenty-fifth," and insert in lieu thereof the words "twenty-sixth."

Strike out the second section, and insert in lieu thereof the following:

“SEC. 2. The Criminal Courts in said Circuit shall be held as follows, to-wit:

“In the county of Floyd, on the first Mondays in January, April, July and October, in each year; and

“In the county of Clarke, on the first Mondays of February, May, August and November, in each year.

“And each of said terms of the Criminal Courts in each of said counties shall be and continue for four weeks, if the business thereof shall require; and during the said terms of said Courts, shall be open at all times for criminal trials alone, as provided by law for Criminal Circuit Courts.”

Amend the title by striking out “twenty-fifth,” and inserting in lieu thereof “twenty-sixth.”

And when so amended, they recommend its passage.

Mr. Davis, of Floyd, moved to suspend the order of business, and take up Senate bill No. 110 now.

Which was agreed to.

The question being on the adoption of the amendments,

They were agreed to.

Engrossed Senate bill No. 110, entitled “A bill to create the Twenty-fifth Judicial Circuit, providing for the appointment and election of a Judge and Prosecuting Attorney therein, and for their compensation, declaring the jurisdiction of the Courts in said Circuit, and providing for a transfer of actions therein.”

Was read a third time.

Mr. Davis moved to amend the title by saying the “twenty-seventh Judicial Circuit,” instead of the “twenty-sixth.”

Which was agreed to.

Mr. Davis moved that it be deemed expedient to suspend the Constitutional Rule requiring bills to be read on three several days, and that the bill be read a third time now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Barritt, Bates, Beeler, Breckinridge, Calvert, Carnahan, Cave, Coffroth, Cotton, Cox, Cunningham, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Greene, Hall, Hamilton, Hutchings, Hutson, Hyatt, Johnson of Parke, Jump, Kercheval, Lawler, Logan, Long, Mason, McBride, McFadin, Millekan, Miller, Miner, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Shoaff, Sleeth, Smith, Stevenson, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson, Zenor, Zollars and Mr. Speaker—74.

Those who voted in the negative were,

Messrs. Admire, Britton, Gordon, Higgins, Johnson of Marshall, Lamborn, Sabin, Skidmore and Taber—10.

So it was deemed expedient to suspend the rule.

Mr. Davis moved that the amendments be considered as engrossed for a third reading now.

Which was agreed to.

Engrossed Senate bill No. 110. An act to create the Twenty-Fifth Judicial Circuit, providing for the appointment and election of Judge and Prosecuting Attorney therein, and for their compensation of the court in said circuit, and providing for a transfer of actions thereto.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Chittenden, Cofroth, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dittimore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Lawler, Logan, Long, McBride, McFadin, Miller, Miles, Minor, Mitchell, Mock, Monroe, Montgomery, Neff, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Shoaff, Shoemaker, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Wilson, Zollars and Mr. Speaker—78.

Those who voted in the negative were,

Messrs. Gordon, Johnson of Marshall, Lamborn, Millekan, Sabin, Williams of Knox and Zenor—7.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill.

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Vardeman introduced

House bill No. 381, entitled "A bill to amend section one of an act entitled an act to prevent the breaking of a quorum in the General Assembly, and prescribing punishment."

Which was read a first time.

Mr. Neff moved that the bill be made the Special Order for the eleventh day of May.

Which was agreed to.

Mr. Vater introduced

House bill No. 382. A bill to amend section eight, of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertains thereto. Approved March 14, 1867.

Which was read a first time, and referred to the Committee on Cities and Towns.

Mr. Welborn introduced

Joint Resolution No. 14, entitled a joint resolution for creating another Judicial District for the District Court of the United States in Southern Indiana.

Which was read first time, and passed to a second reading.

Mr. Wildman presented a claim against the State in favor of Captain D. M. Dryden, for the sum of \$374 27.

Which was referred to the Committee on Claims.

Mr. Williams, of Hamilton, introduced

House bill No. 383. A bill to authorize the Sheriff to pay over any money collected on executions into the hands of the Clerk of the Court. The Clerk shall receipt the Sheriff therefor, which shall release the Sheriff and his sureties from all liabilities therefor. The Clerk shall pay over all money so received to the person or parties for whom it was collected; and the Clerk and his sureties made liable on their penal bond for money so received, repealing all laws in conflict with this act, and declaring an emergency.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Williams, of Knox, introduced

House bill No. 384. A bill concerning deeds to School, Saline, University, Sinking Fund, and other lands belonging to the Trust

Funds of the State, and legalizing certain deeds heretofore made for such lands.

Which was read a first time, and referred to the Committee on Trust Fund.

Mr. Williams, of Union, introduced

House Joint Resolution No. 15. A Joint Resolution requiring the State Printer to print fifteen thousand copies of the laws concerning decedents' estates and the duties of guardians, and prescribing the mode of distributing the same.

Which was read a first time, and passed to a second reading.

Mr. Zenor introduced

House bill No. 385. A bill to repeal an act entitled "An act to prevent the breaking of a quorum in the General Assembly, and prescribing punishment therefor."

Which was read a first time.

Mr. Pierce, of Vigo, moved to make the bill the special order for the 11th day of May next.

Which was agreed to.

Mr. Zollars introduced

House bill No. 386. A bill defining certain felonies, and prescribing punishment therefor.

Which was read a first time, and passed to a second reading.

Mr. Zollars presented a claim against the State in favor of Jared Cotherel, for the sum of \$65.

Which was referred to the Committee on Claims.

Message from the Senate by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following bill, to-wit:

Engrossed House bill No. 23, entitled "A bill to change the time of holding elections in this State, and to fill all vacancies in office occasioned by the provisions of this act, and declaring an emergency."

Which is herewith returned to the House.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 283, the same was taken up.

House bill No. 283, entitled "A bill regulating the employment of persons under sixteen years of age in cotton and woollen factories in this State, and providing for the education of such persons."

The question being on the amendment offered by Mr. Stewart, of Ohio, to that offered by Mr. Kercheval,

Mr. Breckinridge moved that the bill and amendments be indefinitely postponed.

Messrs. Ruddell and Breckinridge demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Beeler, Britton, Breckinridge, Cave, Cox, Davis of Elkhart, Dittemore, Fairchild, Field of Lake, Gilham, Gordon, Greene, Hamilton, Higbee, Hutson, Hyatt, Jump, Logan, Mason, McFadin, Miles, Miner, Montgomery, Odell, Overmyer, Palmer, Ratliff, Sabin, Sleeth, Stanton, Stephenson, Stewart of Ohio, Taber, Underwood, Vardeman, Williams of St. Joseph, and Mr. Speaker—38.

Those who voted in the negative were,

Messrs. Admire, Bates, Calvert, Carnahan, Coffroth, Cunningham, Davidson, Davis of Floyd, Dunn, Field of Lagrange, Fuller, Hall, Higgins, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Kercheval, Lawler, Lamborn, Long, Millekan, Miller, Mitchell, Mock, Monroe, Neff, Osborn, Pierce of Porter, Pierce of Vigo, Ruddell, Shoaff, Shoemaker, Smith, Stewart of Rush, Sunman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Zenor, and Zollars—43.

So the bill was not indefinitely postponed.

The question recurring on the amendment to the amendment as offered by Mr. Stewart of Ohio,

Mr. Greene moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

Messrs. Stewart, of Ohio, and Ruddell demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett, Britton, Cotton, Cox, Dittemore, Dunn, Field of Lake, Field of Lagrange, Gordon, Greene, Hall, Hamilton, Hutson, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, Long Mason, McFadin, Miles, Miner, Mitchell, Montgomery, Odell, Palmer, Sleeth, Stewart of Ohio, Tebbs, Underwood, Vater, Williams of Hamilton, and Wilson—34.

Those who voted in the negative were,

Messrs. Addison, Admire, Baker, Bates, Beeler, Breckinridge, Calvert, Cunningham, Davidson, Davis of Elkhart, Davis of Floyd, Fairchild, Fuller, Higbee, Higgins, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Parke, Lawler, Millekan, Miller, Monroe, Neff, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Smith, Stanton, Stephenson, Stewart of Rush, Sunman, Taber, Wile, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor, Zollars, and Mr. Speaker—52.

So the amendment was not agreed to.

The question being on the amendment offered by Mr. Kercheval,

Messrs. Kercheval and Stewart, of Ohio, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Bates, Beeler, Britton, Breck-

inridge, Calvert, Cotton, Cox, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, Long, Mason, McFadin, Millekan, Miller, Miles, Miner, Mitchell, Monroe, Montgomery, Neff, Odell, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Shoaff, Sleeth, Smith, Stanton, Stewart of Ohio, Sunman, Taber, Tebbs, Underwood, Wile, Williams of Hamilton, Williams of St. Joseph, and Wilson—63.

Those who voted in the negative were,

Messrs. Admire, Carnahan, Cave, Coffroth, Cory, Cunningham, Davis of Floyd, Dittemore, Fuller, Johnson of Montgomery, Lawler, Osborn, Ruddell, Shoemaker, Stephenson, Stewart of Rush, Vater, Welborn, Williams of Knox, Williams of Union, Zenor, Zollars, and Mr. Speaker—23.

So the amendment was agreed to.

Mr. Wile offered the following amendment:

Amend by inserting after the words "cotton and woollen manufactures" the following: "And any other shop, store, or place, wherein minor youths, between the ages of eight and sixteen years are employed;" and by adding another section:

"SEC. 4. That all laws, or parts of laws, in conflict with this act, are hereby repealed."

Mr. Ruddell moved that the whole matter be indefinitely postponed.

Which was agreed to.

Message from the Senate by Mr. Wilson, the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has concurred in engrossed House amendments to Senate bill No. 110.

Also, that the Senate has passed House bill No. 139, entitled "An act for the relief of Nicholas Morback, Joseph E. Lange and Francis Joseph Wetzler," and the same is herewith returned.

Also, that the President of the Senate has signed enrolled act No. 290 of the Senate, entitled, "A bill creating the Twenty-sixth Judicial Circuit, and fixing the times of holding courts therein, and fixing the times of holding the courts in the Fourth Judicial Circuit," and the same is herewith presented for the signature of the Speaker of the House.

Mr. Fuller moved to suspend the order of business, and take up House bill No. 53.

Which was agreed to.

House bill No. 53, entitled "A bill to regulate the mileage of Sheriffs in conveying convicts to the State Prisons, and repealing all laws in conflict herewith," having been previously read a second time,

Mr. Pierce of Porter, moved to amend by inserting "forty miles," instead of "twenty-two miles," in that portion relating to Porter county.

Which was agreed to.

Mr. Stanton moved to amend by giving Marion county one hundred and fifty-four miles.

Which was agreed to.

Mr. Coffroth moved to amend by striking out the words "one hundred and nineteen miles," and inserting "one hundred and forty-five miles," in that part of the bill which fixes the distance from Huntington county.

Which was agreed to.

Mr. Dittmore moved to amend by striking out the words "one hundred and twenty-three miles," and insert "one hundred and

twenty-seven miles," in that portion of the bill which fixes the distance from Owen county.

Which was agreed to.

Mr. Gordon moved to amend by striking out "one hundred and thirty," and inserting "one hundred and forty-two miles," for Boone county.

Which was agreed to.

Mr. Field of Lake, moved to amend by striking out "forty-four," and inserting "sixty-five miles," for the county of Lake.

Which was agreed to.

Mr. Cotton offered the following amendment:

Strike out "ninety-eight," and insert "one hundred and three."

Which was agreed to.

Mr. Baker moved that the bill be recommitted to the Committee on Ways and Means.

Which was agreed to.

The question recurring on Mr. Cotton's amendment,

It was agreed to.

Mr. McFadin moved to amend by striking out "seventy-eight" and inserting "eighty-five miles" for Cass County.

Which was agreed to.

Mr. Odell moved to amend by striking out "ninety" and inserting "one hundred miles" from the county of Shelby.

Which was agreed to.

Mr. Lamborn moved to amend by striking out "ninety-five miles" and inserting "one hundred and five miles" for Benton county.

Which was agreed to.

Mr. Overmyer moved to amend by striking out "sixty-nine" and inserting in lieu thereof "seventy-five miles" from Jennings county.

Which was agreed to.

Mr. Smith offered the following amendment:

Amend by striking out the words, "one hundred and five" and inserting "one hundred and eleven" in that part of the bill which fixes the distance from Wabash.

Which was agreed to.

Mr. Cunningham moved to amend by striking out "one hundred and forty-eight miles" and inserting "one hundred and forty miles" for Fountain county.

Which was agreed to.

Mr. Miles moved to amend by striking out "one hundred and eighty-eight miles" and inserting "one hundred and ninety-seven miles" for Sullivan county.

Which was agreed to.

Mr. McFadin offered the following amendment:

"Amend by inserting 'eighty miles' from Cass county, instead of 'eighty-five miles.'"

Which was agreed to.

Mr. Fuller moved that the bill be considered as engrossed and read a third time now.

Mr. Fuller moved the previous question,

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the engrossment of the bill,
It was agreed to.

House bill No. 53, as amended, was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Barritt, Bates, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis of Elkhart, Davis of Floyd, Dittmore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Logan, Long, McBride, McFadin, Millekan, Miles, Minor, Mock, Monroe, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Vater, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor and Mr. Speaker—76.

Mr. Higbee voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Pierce, of Porter, moved that Senate bill No. 83, be taken from the files and referred to the Committee on the Judiciary.

Which was agreed to.

Mr. Underwood, from the Committee on Engrossed Bills, submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have carefully compared Engrossed House Bill No. 321 with the original bill, and find it, in all respects, correctly engrossed.

Mr. Shoemaker obtained leave of absence until to-morrow.

Mr. McFadin moved that the House do now adjourn.

A division being called, and no quorum voting, the Speaker declared the House adjourned.

FRIDAY MORNING, 9 o'CLOCK, }
 April 23, 1869. }

The House met.

Mr. Osborn, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:

The Committee on Enrolled House Bill No. 333, entitled "A bill appropriating \$60,000 to defray the expenses of the Special Session of the Forty-Sixth General Assembly," direct me to report that they have compared the bill as enrolled with the bill as engrossed, and to report that the same has been correctly enrolled.

The Speaker announced that he had signed Enrolled House Act No. 333.

On motion by Mr. Hamilton, the reading of the Journal was dispensed with.

Messrs. Bowen, Cave and Calvert obtained leave of absence until Wednesday next.

Mr. Hyatt obtained leave of absence until Monday.

Messrs. Hutson, Millekan and Baker obtained leave of absence until Monday.

Message from the Senate by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the President has signed Enrolled Senate Bill 110, entitled "An act to create the Twenty-Fifth Judicial Circuit, providing for the appointment and election of a Judge and Prosecuting Attorney therein, and for their compensation, declaring the jurisdiction of the courts in said Circuit, and providing for a transfer of actions thereto," and the same is herewith transmitted for the signature of the Speaker.

Also, that the President has signed Enrolled House Bill No. 333, entitled "An act appropriating \$60,000 to defray the expenses of the Special Session of the Forty-Sixth General Assembly," and the same is herewith returned to the House.

Mr. Fuller presented a claim of Samuel Beatty, for \$161.00, for attorney's fees and costs in case of contest with James Peele.

Which was referred to the Committee on Claims.

Mr. Fuller presented a claim of James Peele, for \$100, for attorney's fees in case of contest with Samuel Beatty.

Which was referred to the Committee on Claims.

REPORTS OF STANDING COMMITTEES.

Mr. Coffroth, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House Bill No. 175, "A bill to provide for special terms of the courts of this State, to settle issues and preliminary and interlocutory motions, and motions and orders, in actions pending therein, and to prepare for the trial of said actions, and declaring an emergency," have had the same under consideration, and recommend that it do pass.

Which report was laid on the table.

Mr. Coffroth from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred House bill No. 370, "A bill to amend section 103 of an act entitled "An act to provide for a general system of Common Schools, the officers thereof, and their respective duties and powers, and matters properly connected therewith, and for the establishment and regulation of Township Libraries, and to repeal all laws in-

consistent therewith," have had the same under consideration and respectfully recommended its passage.

Which was laid on the table.

Mr. Coffroth from the Committee on the Judiciary made the following report:

MR. SPEAKER:

Your Committee on the Judiciary to whom was referred section twenty-nine of an act entitled "An act providing for the election and qualification of Justices of the Peace, and defining their Jurisdiction, powers and duties, in civil cases, have had the same under consideration, and respectfully recommend its passage.

Which report was laid on the table.

Mr. Johnson of Parke, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred House bill No. 358. "A bill in relation to City Judges," have had the same under consideration, and respectfully recommend that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Johnson of Parke, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

Your Committee on the Judiciary to whom was referred House bill No. 346. An act repealing section second of an act entitled "An act defining certain misdemeanors, and prescribing punishment thereof," have had the same under consideration, and respectfully recommend that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Field of Lake, from the Committee on the Judiciary made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 372, "An act to define and make a criminal offence, extortion, or attempted extortion, and prescribing the punishment therefor," have had the same under consideration, and recommend that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Field of Lake, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 367, "An act to amend an act entitled "An act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases, in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction," respectfully recommend that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Osborn from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 220, "A bill to authorize the amendment of bills of exception in certain cases therein mentioned," have had the same under consideration, and respectfully recommend that it be indefinitely postponed.

Which report was laid on the table.

Mr. Pierce, of Vigo, from the Committee on the Judiciary, submitted the following report :

MR. SPEAKER :

Your Committee to whom was referred House bill No. 330, entitled "A bill to abolish the offices of City Assessor and Appraisers, transferring their duties to the City Treasurer, and providing the mode of performing their duties, and repealing all other acts." have had the same under consideration, and now report the same and respectfully recommend its passage.

Which report was laid on the table.

Mr. Pierce, of Vigo, from the Committee on the Judiciary, submitted the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 316, "entitled a bill to amend section sixteen of an act entitled, "An act to define felonies, and prescribing punishment therefor, approved June 10, 1852," have had the same under consideration, and respectfully recommend that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Davis, of Floyd, from the Judiciary Committee, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 306, "A bill fixing the per diem and mileage of members of the General Assembly, the pay of the Secretary of the Senate, the Clerk of the House of Representatives, the Doorkeepers of the Senate and House, the Clerks on the Committees of the two Houses, declaring who shall preside in organizing the Senate in the absence of the Lieutenant Governor, who shall preside in the organization of the House of Representatives, defining certain duties of the State Librarian in connection with said organization, repealing all laws in conflict with this act, and declaring when this

act shall take effect," have had the same under consideration, and recommend that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Dunn, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 320, "An act to amend section four of an act entitled an act to authorize and limit allowances by Courts and Boards, and drafts upon County Treasurers," have had the same under consideration, and respectfully recommend that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed

Mr. Dunn, from the Committee on the Judiciary, submitted the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred engrossed Senate bill No. 234, entitled "A bill to legalize and declare valid the acknowledgment of certain deeds of conveyance, and other instruments in writing, which have been recorded in any of the Recorders' offices of the several counties of this State, and which, by reason of certain informalities in the certificates of acknowledgment or the authentication thereof, were not entitled to record," have had the same under consideration, and recommend that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Stanton, from the Committee of Ways and Means, made the following report :

MR. SPEAKER :

I am directed by the Committee of Ways and Means, to whom was referred Senate bill No. 223, being a bill entitled "A bill appropriating fifteen thousand dollars for the completion of the building

now occupied by the officers of State and the Supreme Court, and belonging to the State, and for paving the sidewalk fronting and around the same, to report the same back and recommend its passage.

Which report was laid on the table.

Mr. Dunn from the Committee on the Judiciary made the following report :

MR. SPEAKER :

Your Committee on the Judiciary to whom was referred En-grossed Senate Bill, No. 83, a bill to amend section 2 of an act entitled "An act making the Register of sales of Michigan Road Lands, and certified copies of entries therein, evidence and declaring the effect thereof, and making the records and patents and certificates of purchase, and other evidence in writing of the sale real estate, and certified copies of such records, evidence and declaring the effect thereof. Approved March 9, 1859," have had the same under consideration and respectfully recommend its passage.

Which report was laid on the table.

Mr. Vater moved to reconsider the vote by which House Bill No. 306 was indefinitely postponed.

Which was agreed to.

On motion, House Bill No. 306 was referred to the special committee on the subject of the said bill.

Mr. Stephenson, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House Bill No. 313, an act to amend an act entitled "An act regulating prosecutions in cases of Bastardy, and providing for the support of illegitimate children." Approved May 6, 1852, have had the same under consideration, and submit the following amendment, to-wit :

To the first page of the bill add the words: "*Provided, That* such judgment shall not be enforced against such defendant, by execution or otherwise, until the birth of the child in question," and when so amended recommend that it do pass.

Which report was laid on the table.

Mr. Pierce of Vigo, from a majority of the Committee on Elections, submitted the following report :

MR. SPEAKER :

The Committee to whom was referred the petition of several citizens of the counties of Switzerland and Ohio, in relation to the Fifteenth Amendment of the Constitution, have had the same under consideration, and ask leave to make the following report :

"That Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to the Constitution, or on the application of the Legislatures of two-thirds of the several states, shall call a Convention for proposing amendments, which in either case, shall be valid to all intents and purposes as a part of this Constitution, when ratified by the Legislatures of three-fourths of the several states, or by Conventions in three-fourths thereof, &c."

The foregoing is the language of the Constitution of the United States. It is plain and not to be misunderstood.

Two-thirds of both Houses of Congress have deemed it necessary to propose an Amendment to the Constitution of the United States in relation to suffrage, and have directed His Excellency, the Governor of this State to lay the same before the Legislatures, which has been done precisely as the Constitution, the Law, and the usual method heretofore employed, requires.

The foregoing petition instructs and requires the Hon. Samuel H. Stewart, and Hon. F. J. Bellamy, members of this General Assembly, to vote to submit the proposed Fifteenth Amendment to the people of the State of Indiana, for ratification or rejection ; an instruction and requirement in violation of the Constitution and the law, and wholly unknown or unheard of in the whole history of the Government.

Said petition further requires that, unless said Stewart and Belamy can vote to submit said amendment to the people of the State, for their ratification or rejection, then they are to resign their seats as members of this body.

The undersigned members of the committee, in relation to the latter part of the subject matter of said petition, only deem it necessary to say, that this committee ought not to intermeddle with the question of resignation of the said members of this General Assembly, that being a matter between themselves and their constituency, unless otherwise regulated by law, under the solemn obligations imposed by the Constitution of the United States, and the Constitution and Laws of the State of Indiana, sealed by their most sacred oaths. It is, therefore recommended that said petition be laid on the table. (Signed,)

J. N. PIERCE,
J. A. WILDMAN,
G. W. CHAPMAN.

Mr. Pierce, of Vigo, moved that the report of the committee, together with the petition, be laid on the table.

Which report was agreed to.

Mr. Osborn, from the Committee on Education, made the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 270, entitled, "An act to amend sections one hundred and twenty-five and thirty-three of an act to provide for a General System of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named," have had the same under consideration, and direct me to report the same back, and recommend that it be indefinitely postponed.

Which report was concurred in.

Mr. McGregor, from the Committee on Fees and Salaries, made the following report:

MR. SPEAKER:

The Committee on Fees and Salaries, to whom was referred House bill No. 171, entitled, "A bill to amend section eight of an act providing for the election of Clerks of the Circuit Courts, and prescribing some of their duties," approved June 7, 1852, have had the same under consideration, and have directed me to report the following amendment:

"In sections one and two, strike out the words 'section eight,' and insert 'section seven,' wherever the same occurs," and, when so amended, they recommend its passage.

Which report was laid on the table.

Mr. McGregor, from the Committee on Fees and Salaries, made the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 353, entitled, "A bill to fix the compensation of county officers and their clerks or deputies, and providing how they shall receive the same, and providing for a record of all fees charged or allowed by law and received by them, and the distribution thereof, and defining how and when they shall make out their quarterly report to the Board of County Commissioners, prescribing a penalty for the violation thereof, and fixing the time for the taking effect of this act, and repealing all laws in conflict therewith," have had the same under consideration, and have instructed me to report the same back to the House, with the recommendation that it do pass.

Which report was concurred in.

Mr. Gordon, from the Committee on Fees and Salaries, made the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 212, entitled, "A bill to amend section one of an act fixing the pay of members of the General Assembly," approved March 4, 1865, have had the same under consideration, and instructed me to report the same back to the House, with the recommendation that it do pass.

Which report was laid on the table.

Mr. Mitchell, from the Committee on Fees and Salaries, made the following report :

MR. SPEAKER :

Your committee, to whom was referred House bill No. 233, entitled, "A bill to amend section nine of an act regulating the fees of officers, and repealing former acts in relation thereto," have had the same under consideration, and recommend that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Furnas, from the Committee on Rights and Privileges, of Inhabitants of the State, made the following report :

MR. SPEAKER :

Your committee, to whom was referred House bill No. 328, in reference to the registration of births and deaths, have had the same under consideration, and recommend its indefinite postponement.

Which report was concurred in.

Mr. Mitchell, from the Committee on Enrolled bills, made the following report :

MR. SPEAKER :

Your committee have compared enrolled House bills Nos. 23 and 139 with the originals, and find the same correctly enrolled.

Mr. Stewart, of Rush, from the Committee on Railroads, made the following report :

MR. SPEAKER :

Your committee, to whom was referred engrossed Senate bill No. 5, entitled, "A bill to amend the first section of an act entitled, 'An act to declare abandoned certain unfinished railroads, and to provide for their completion ; to declare forfeited the franchises of certain railroad companies, and for the assessment of the value thereof ; for the organization of new companies, and for making annual statements,' approved March 11, 1867 ; and to provide that

the failure of any company to have formed the preliminary organization contemplated by the first section of the act entitled, 'An act to provide for the organization of railroad companies,' approved May 11, 1852, shall not invalidate such organization, if otherwise in conformity to law, and declaring an emergency," have had the same under consideration, and direct that the bill be reported back, and its passage recommended.!

Which report was concurred in.

Mr. Stewart, of Rush, offered the following preamble and resolution :

WHEREAS, 'There was a failure to organize the House of Representatives on the 8th inst., as contemplated in the proclamation of the Governor convening the General Assembly, and

WHEREAS, The House of Representatives did organize on the 12th inst. Therefore, be it

Resolved, That the Speaker be authorized to draw warrants for the pay of members and employees of the House from the 8th of April, 1869, inclusive.

Which was agreed to.

Mr. Higbee, from the Committee on County and Township Business, made the following report :

MR. SPEAKER :

Your committee, to whom was referred House bill No. 142, entitled, "A bill to revise and amend section five of the County Surveyor's act," have had the same under consideration, and recommend its passage.

Which report was concurred in.

Mr. Mason, from the Committee on County and Township Business, made the following report :

MR. SPEAKER :

Your Committee, to whom was referred House bill No. 325, entitled "An act to provide for the relocation of county seats, the erection of public buildings in case of such relocation, repealing all

laws in conflict herewith, and declaring an emergency," have had the same under consideration, and have directed me to report the same back, and recommend its passage.

Which report was concurred in.

Mr. Miller, from the Committee on Mileage and Accounts, made the following report:

MR. SPEAKER:

The Committee on Mileage and Accounts have instructed me to make the following report as the mileage due each member of the House of Representatives:

Mr. O. P. Gilham.....	94 miles.
Mr. D. M. Stewart.....	80 miles.
Mr. L. D. Britton.....	530 miles.
Mr. S. V. Jump.....	132 miles.
Mr. Leroy Cave.....	300 miles.
Mr. H. G. Davis.....	472 miles.
Mr. G. W. Chapman.....	508 miles.
Mr. B. F. Williams.....	170 miles.
Mr. D. W. Cunningham.....	200 miles.
Mr. C. R. Cory.....	200 miles.
Mr. S. Davidson.....	204 miles.
Mr. A. Hutson.....	330 miles.
Mr. J. Ratliff.....	198 miles.

Mr. John Mason.....	240 miles.
Mr. J. Williams.....	56 miles.
Mr. R. Stephenson.	44 miles.
Mr. Zenor	60 miles.
Mr. John Addison.....	274 miles.
Mr. T. W. Sunman.....	80 miles.
Mr. Isaac Odell.....	40 miles.
Mr. R. T. Kercheval.....	518 miles.
Mr. S. C. Sabin.....	554 miles.
Mr. A. Johnson.....	312 miles.
Mr. N. D. Miles.....	200 miles.
Mr. R. Breckinridge.....	130 miles.
Mr. Reuben Baker.....	104 miles.
Mr. Leroy Calvert	362 miles.
Mr. J. F. Welborn	362 miles.
Mr. W. Skidmore.	208 miles.
Mr. E. W. Hamilton.....	150 miles.
Mr. Isaac N. Pierce.....	150 miles.
Mr. A. W. Smith.....	178 miles.
Mr. R. Miller.....	170 miles.

Mr. C. Hall	188 miles.
Mr. B. S. Fuller	406 miles.
Mr. A. Furnas	48 miles.
Mr. W. A. Osborn	80 miles.
Mr. J. R. Millekan	132 miles.
Mr. G. F. Chittenden	72 miles.
Mr. J. A. Wildman	108 miles.
Mr. J. R. Coffroth	216 miles.
Mr. J. P. Barnett	208 miles.
Mr. W. Y. Monroe	172 miles.
Mr. W. D. Wilson	170 miles.
Mr. John Overmyer	130 miles.
Mr. D. Montgemery	70 miles.
Mr. J. D. Williams	300 miles.
Mr. E. S. Higbee	408 miles.
Mr. T. Field	510 miles.
Mr. E. C. Field	352 miles.
Mr. Simon Wile	316 miles.
Mr. J. R. Peelle	272 miles.
Mr. M. F. Dunn	220 miles.
Mr. A. P. Stanton	————.

Mr. John C. Lawler.....	308 miles.
Mr. W. C. Bowen.....	130 miles.
Mr. J. J. Underwood.....	106 miles.
Mr. J. S. Cotton	400 miles.
Mr. J. S. Davis	224 miles.
Mr. James R. Bobo	324 miles.
Mr. Byron D. Minor	268 miles.
Mr. A. Zollars.....	268 miles.
Mr. James M. Sleeth	54 miles.
Mr. T. J. Barritt.....	88 miles.
Mr. J. Lamborn	254 miles.
Mr. S. A. Shoaff.....	230 miles.
Mr. A. E. Gordon.....	58 miles.
Mr. J. Higgins.....	86 miles.
Mr. D. H. Long.....	142 miles.
Mr. R. W. Fairchild.....	170 miles.
Mr. S. L. McFadin	156 miles.
Mr. C. R. McBride.....	216 miles.
Mr. W. D. Hutchings	180 miles.
Mr. J. C. McGregor.....	150 miles.
Mr. J. H. Palmer.....	108 miles.
Mr. J. L. Bates.....	284 miles.

Mr. John Hyatt.....	288 miles.
Mr. W. Tebbs, Jr.....	230 miles.
Mr. F. Beeler.....	6 miles.
Mr. J. H. Ruddell.....	20 miles.
Mr. T. J. Vater.....	—————
Mr. J. F. Mock.....	132 miles.
Mr. D. McDonald.....	332 miles.
Mr. J. D. Cox.....	150 miles.
Mr. G. A. Buskirk.....	160 miles.
Mr. James G. Johnson.....	200 miles.
Mr. James V. Mitchell..	62 miles.
Mr. W. K. Admire.....	66 miles.
Mr. F. Taber.....	510 miles.
Mr. S. Stewart.....	210 miles.
Mr. Wiley Dittmore.....	150 miles.
Mr. James T. Johnson.....	192 miles.
Mr. J. C. Shoemaker .	468 miles.
Mr. R. Logan.....	316 miles.
Mr. G. A. Pierce.....	310 miles.
Mr. M. T. Carnahan.....	462 miles.
Mr. W. G. Neff.....	80 miles
Mr. J. T. Vardeman.....	182 miles

Mr. Pierce, of Vigo, moved that the report be concurred in.

Which was agreed to.

Mr. Neff, from the Committee on Corporations, made the following report:

MR. SPEAKER:

Your committee to whom was referred House bill No. 197, "A bill to legalize the proceedings of the Board of Towns in certain cases," have had the same under consideration, and recommend that the bill be indefinitely postponed.

Which report was concurred in.

Mr. Chittenden, from the Committee on Corporations, made the following report:

MR. SPEAKER:

Your committee to whom was referred Senate bill No. 64, entitled "A bill authorizing voluntary associations formed under an act concerning the organization of voluntary associations, and repealing former laws in reference thereto, approved February 12, 1855, to acquire title to lands that have heretofore been used as burial places," have had the same under consideration, and recommend the following amendment to section two: "And in addition thereto, such reasonable quantity of adjoining lands as the public convenience of the neighborhood may from time to time require for burial purposes." Also section five, "Whereas an emergency exists, therefore this act shall be in force from and after its passage," and when so amended recommend that it do pass.

Which report was laid on the table.

Mr. Dunn, from the Committee on the Judiciary, submitted the following report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred House bill No. 373, entitled "A bill providing for the vacation of high-

ways and streets, and portions of either, and also, for opening the same," have had the same under consideration, and submit that it be amended by striking out the word "streets" wherever it occurs in the bill, and when so amended, recommend its passage.

Which report was concurred in.

Mr. Millekan, from the Committee on Roads, submitted the following report:

MR. SPEAKER:

Your Committee on Roads, to whom was referred House bill No. 371, entitled "A bill to amend section forty-three of an act entitled 'An act to provide for the opening, vacating and change of highways, approved June 19, 1852,'" have had the same under consideration, and direct me to report the same back, and recommend its passage.

Which report was concurred in.

Mr. Stewart, of Rush, from the Committee on Railroads, submitted the following report:

MR. SPEAKER:

Your Committee on Railroads, to whom was referred House bill No. 368, providing for a just valuation and taxation of railroad property in the State, have had the same under consideration, and direct that the bill be returned, and its passage recommended.

Which report was laid on the table.

Mr. Cave, from the Committee on Organization of Courts, made the following report:

MR. SPEAKER:

Your committee to whom was referred House bill No. 351, "A bill to amend section three (3) of an act entitled an act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing

all laws inconsistent therewith, approved March 5th, 1859," have had the same under consideration, and have directed me to report the same back without recommendation, and that it do pass.

Which report was concurred in.

Mr. Osborn, from the Special Railroad Committee, made the following report:

MR. SPEAKER:

Your committee to whom was referred House bill No. 361, "A bill to enable railroad companies which have formed articles of association naming the counties through which such railroads are to pass, to perfect their organization," have had the same under consideration, and have directed me to report the same back and recommend its passage.

Which report was concurred in.

Message from the Senate by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the President of the Senate has signed Enrolled Act No. 23 of the House, entitled "An act to change the time of holding elections in this State, and to fill all vacancies in office occasioned by the provisions of this act, and declaring an emergency."

Also, Enrolled Act of the House No. 139, entitled "An act for the relief of Nicholas Morback, Joseph E. Lange, and Francis Joseph Wetzler," and the same are herewith returned to the House.

Also, that the Senate has passed House bill No. 309, entitled "A bill making general appropriations for the years 1869 and 1870," with the following engrossed Senate amendments, in which the concurrence of the House is requested.

Also, that the President of the Senate has signed Enrolled Act No. 320 of the Senate, and the same is herewith presented for the signature of the Speaker.

Mr. Stewart, of Rush, moved that the regular order of business be suspended, to take up the amendments to the General Appropriation bill.

Mr. Chittenden moved to amend by saying that the House go into a Committee of the Whole for the consideration of the same.

Which was agreed to,

And Mr. Stanton was called to the chair.

After remaining in session some time, the Committee rose and made the following report :

MR. SPEAKER:

The Committee of the Whole House, to whom was referred House bill No. 309, "A bill making general appropriations for the years 1869 and 1870," with the following engrossed Senate amendments :

Engrossed Senate amendments to House bill No. 309.

1. Insert in section three, as follows :

For incidental expenses of the Auditor of State's Office, the sum of \$1,000.

2. In the thirteenth line of the thirteenth section, strike out the word "two," and insert the word "ten."

3. In the fourteenth section, change "present" to "Regular Session of the General Assembly, 1869."

4. Strike out section sixteen for miscellaneous expenses.

5. Strike out section twenty-five.

6. Strike out the words "twenty-seven," where they occur in section twenty-six, and insert "fifty."

7. Transpose appropriations to the "Normal School" to appropriations for the year 1869.

8. Strike out the figures "\$1,500" in line forty-eight, in section twenty-nine, and insert "\$500."

9. To that part of the bill making appropriations for the year 1869, add the following section, viz :

SECTION —. That the sum of \$5,000, or so much thereof as may be necessary, be, and the same is hereby appropriated for the erection of a building at the "State Prison North," to be used as an engine and boiler house, and for removing the engine and boilers to, and resetting them in, said building.

10. To that part of the bill making appropriations for the year 1869, add also the following section :

SEC. —. That the sum of \$6,660 98 be, and the same is hereby appropriated to pay claims on file for services rendered by men of State Militia, during the late war. The above amount to be drawn and expended under existing laws, by the Adjutant General, for the payment of the following claims :

First.—Claim of Captain Joseph C. Woodfill's company of Infantry, belonging to the Ninth Regiment of the Indiana Legion.

Second.—Claim of Captain Donald Cameron's company of the Ninth Regiment, Indiana Legion.

Third.—Captain Adin E. Redman's company, of Mounted Men, claims.

Fourth.—Captain George W. Colclasser's company of Mounted Men, claims.

11. Strike out all of section forty-two.

12. In the seventh line of the forty-fifth section, strike out "\$20,000" and insert "\$30,000."

13. Add the following section :

SEC. —. One thousand dollars is hereby appropriated to each of the State Prisons, to be expended under the supervision of the Chaplain, for the purchase of a Prison Library.

Add to the end of section sixteen, for appropriations for 1869, and section forty-one, for appropriations for 1870, as follows :

To be paid to the Judges and Attorneys prosecuting the pleas of the State in the several Civil Circuit Courts, and also in the Criminal Circuits of the several counties, of Marion, Allen, Wayne, Tippecanoe and Vigo, in quarterly payments, at the rate of \$500, or such sums as may be fixed by law, per annum to each, having had the same under consideration, would report them back with the following amendments to the engrossed amendments of the Senate, to-wit:

1. Strike out the fifth engrossed Senate amendment, which reads as follows :

“Strike out section twenty-five.”

2. Strike out the twelfth engrossed Senate amendment, which reads as follows :

“In the seventh line of the forty-fifth section, strike out \$20,000 and insert \$30,000.”

Amend sections sixteen and forty-one, by striking out the words “of the several counties of Marion, Allen, Wayne, Tippecanoe and Vigo,” and insert in lieu thereof, “of the several Criminal Circuit Courts of the State,” and when so amended, they recommend concurrence therein.

Mr. Cory moved to strike out “\$5,000” and insert “\$2,000” for building boiler house to Northern State Prison.

Mr. Neff moved the previous question, which was seconded by the House.

The question being on the motion by Mr. Cory.

Messrs. Johnson of Parke and Cory demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bates, Beatty, Beeler, Carnahan, Cave, Cory, Cotton, Cunningham, Davidson, Davis of Elkhart, Davis of Floyd, Dittimore, Dunn, Fairchild, Field of Lagrange, Fuller, Gordon, Green, Hall, Higbee, Higgins, Hutchings, Hutson,

Hyatt, Johnson of Montgomery, Johnson of Marshall, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Mitchell, Montgomery, Neff, Overmyer, Shoaff, Smith, Sunman, Vater, Welborn, Wile, Wildman, Willians of Knox, Zenor and Zollars—50.

Those who voted in the negative were,

Messrs. Baker, Barnett, Breckinridge, Calvert, Chittendon, Cof-froth, Field of Lake, Gilham, Johnson of Parke, Jump, Kircheval, Lamborn, Mason, Millekan, Miller, Miner, Odell, Osborn, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Rudell, Sabin, Skidmore, Sleeth, Stanton, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Williams of St. Joseph, Williams of Union and Mr. Speaker—36.

So the motion of Mr. Cory was agreed to.

The question being on concurring in the report of the committee and the adoption of the amendment.

It was agreed to.

And on motion the amendments were agreed to.

Mr. McBride, by consent, offered the following concurrent Resolution.

Resolved, By the House of Representatives, (the Senate concurring) that the Chaplains of the Northern and Southern Prisons, be required to furnish to the next General Assembly, a report verified by oath, of the number and character of volumes purchased for the Library of each of said Prisons.

Which was agreed to.

Ordered, That the clerk inform the Senate of the same.

Mr. Mitchell, from special committee, made the following report:

MR. SPEAKER:

The special committee on House Bill No. 341, "A bill creating the Twenty-fifth Judicial Circuit, providing for the election of a

Judge thereof, providing for a transfer of actions thereto, and declaring an emergency," have had the same under consideration and have instructed me to report the same back to the House, recommending the adoption and passage of the following amendment :

Strike out all after the enacting clause and insert the following :

That the counties of Johnson, Shelby, Morgan, Brown and Bartholomew, shall constitute the Twenty-fifth Judicial Circuit of the State, and the Circuit Courts in said Circuit, shall be held as follows :

In the county of Johnson, on the Second Monday in March and September, in each year.

In the county of Shelby, on the First Monday in April and October, in each year.

In the county of Morgan, on the second Monday in May and November in each year.

In the county of Brown, on the second Monday in June and first Monday in December in each year.

In the county of Bartholomew, on the third Monday in June and December in each year.

SEC. 2. Said Courts, if the business thereof require it, shall sit in the counties of Johnson, Morgan and Bartholomew, four weeks each; in the county of Shelby, five weeks; in the county of Brown, one week.

SEC. 3. It is hereby declared that on the taking effect of this act, there is a vacancy in the office of Judge and Prosecuting Attorney of the Circuit constituted by this act; and the Governor shall fill said vacancies by appointments, under the provisions of the Constitution and laws of the State.

SEC. 4. At the next regular election, on the second Tuesday of October, there shall be elected by the qualified voters comprising said Twenty-eighth Judicial Circuit, a Judge and Prosecuting Attorney, who shall be commissioned and qualified, and shall hold their offices respectively as now provided by law.

SEC. 5. All writs, subpœnas, venires, rules, orders of Court, recognizances, publication and process, of whatsoever kind, which may have issued from the Circuit Court in said counties of Johnson, Shelby, Morgan, Brown, and Bartholomew, or which may hereafter be issued previous to the commencement of the term of Court provided for in this act, shall be deemed and taken to be, and are hereby made returnable to the first day of said Circuit Court in each of the counties aforesaid, to be held as provided in this act; and all actions of whatsoever kind, and all indictments now pending in the Circuit Courts of each of said counties, shall be tried and disposed of in the Circuit Courts created by this act.

SEC. 6. It is hereby declared that an emergency exists for the taking effect of this act, the same shall therefore take effect and be in force from and after its passage.

Which report was laid on the table.

Mr. Osborn, from the Committee on Employees, submitted the following report:

MR. SPEAKER:

The Committee on Employees, to whom was referred charges against Thomas McCann, Doorkeeper of the House, have had the same under consideration, and after hearing the evidence offered by the parties preferring the charges, and one witness in behalf of the Doorkeeper, the Committee decided that there was no evidence offered sufficient to sustain the charges made, and that the Doorkeeper is not guilty. The Committee report the evidence to the House, with the recommendation that their action be concurred in by the House, and that the Committee be discharged from further consideration of said charges.

Which, on motion, was concurred in.

Mr. Hamilton, by consent, offered the following preamble and resolution:

WHEREAS, Thomas C. McCann, Doorkeeper of this House, has been arraigned before the bar of the House on charges of bribery and corruption in the distribution of his appointments; and,

WHEREAS, The Committee of Investigation raised by this House to investigate said charges, has found them wholly without foundation; therefore,

Resolved, That the said Doorkeeper is entitled to the confidence and respect of this House.

Which was agreed to.

Mr. Underwood, at fifteen minutes before twelve o'clock, moved that the House take a recess for ten minutes, so as to let the Doorkeeper prepare seats for the Senate in Joint Convention.

Which was not agreed to.

Message from the Senate by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following bills, to-wit:

Engrossed House bill No. 333, entitled "A bill appropriating sixty thousand dollars to defray the expenses of the Special Session of the Forty-sixth General Assembly," and the same is herewith returned.

Also, that the Senate has concurred in House Concurrent Resolution, in reference to a Joint Convention for the election of a Director for the Southern Prison.

Mr. Stanton moved to take up House bill No. 341.

Which was agreed to.

Mr. Stanton moved that the bill and amendments be made the special order for two o'clock to-day.

Which was agreed to.

Mr. Stewart, of Ohio, moved that the House take a recess till twelve o'clock.

Which was agreed to.

FRIDAY, 12 O'CLOCK, M.

The House met.

JOINT CONVENTION.

In accordance with a concurrent resolution of both Houses, the Senate came into the Hall of the House of Representatives, and took seats on the right of the Speaker.

Hon. Will Cumback, President of the Senate, took the Chair and called the House to order, and announced that the convention had assembled in accordance with the following concurrent resolution :

Resolved by the House of Representatives, the Senate concurring, That the two Houses of the General Assembly meet in Joint Convention in the Hall of the House on to-morrow, Friday, April 23, 1869, at 12 o'clock, M., for the purpose of electing one Director for the Southern Prison.

Whereupon Mr. Hamilton, of Vigo, put in nomination for Prison Director of the State Prison South, Mr. Robert S. Heiskell, of Clark county.

Mr. Lawler put in nomination Mr. James Keigwin, of Clark county.

There being no further nominations, the Clerk proceeded to call the roll, with the following results :

Those who voted for Mr. Heiskell, on the part of the Senate, were,

Messrs. Andrews, Armstrong, Beardsley, Bellamy, Case, Caven, Church, Cravens, Fisher, Fosdick, Gray, Greene, Hamilton, Hess, Hooper, Jacquess, Johnson of Spencer, Kinley, Rice, Robinson of Madison, Robinson of Decatur, Scott, Wolcott and Mr. Wood
—24.

Those who voted for Mr. Heiskell, on the part of the House, were,

Messrs. Baker, Barnett, Beatty, Beeler, Breckinridge, Chitten-

den, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Ratliff, Sabin, Skidmore, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, and Mr. Speaker—49.

Those who voted for Mr. Keigwin, on the part of the Senate, were,

Messrs. Bird, Denbo, Gifford, Hanna, Henderson, Howk, Huey, Huffinan, Lee, Morgan, Sherrod, Smith, and Turner—13.

Those who voted for Mr. Keigwin, on the part of the House, were

Messrs. Addison, Adinire, Barritt, Bates, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cunningham, Davis of Floyd, Dittemore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McFadin, McGregor, Miles, Miner, Montgomery, Neff, Odell, Palmer, Shoaff, Sleeth, Sunman, Tebbs, Welborn, and Williams of Knox—35.

On the part of the Senate,

Mr. Robert S. Heiskell received.....24 votes.

On the part of the House,

Mr. Robert S. Heiskell received..... 49 votes.

Making a total of seventy-three votes for Mr. Heiskell.

On the part of the Senate,

Mr. James Keigwin received..... 13 votes.

On the part of the House,

Mr. James Keigwin received..... .. 35 votes.

Making a total of forty-eight votes for Mr. Keigwin.

The whole number of votes cast was one hundred and twenty one; necessary to a choice, sixty-one.

Mr. Robert S. Heiskell having received a majority of all the votes cast, was declared elected Director of the State Prison South by the President of the Senate.

The business for which the Joint Convention had been called being completed, the President of the Senate declared the Joint Convention adjourned *sine die*.

The House was called to order by the Speaker.

On motion by Mr. McFadin, the House adjourned.

FRIDAY, 2 O'CLOCK P. M.

The House met.

Mr. Addison asked and obtained leave of absence till Monday morning.

Mr. Kercheval moved that House bill No. 78 be made the special order for three o'clock to-day.

Which was agreed to.

Mr. Stanton offered the following resolution :

Resolved, That the Governor be requested to return to the House enrolled act of the House No. 23, to the end that it may be correctly enrolled, it being suggested that the title of the bill is not properly enrolled.

Which was agreed to.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 341, "A bill creating the Twenty-Fifth Judicial Circuit, providing for the election of a Judge thereof, providing for a transfer of actions thereto, and declaring an emergency,"

The same was taken up and read a second time, with the amendments reported by the committee.

Mr. Osborn moved to amend by striking out "Mofgan county."

Mr. Vater moved to lay the amendment on the table.

Which was agreed to.

Mr. Vater moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on concurring in the report and the adoption of the amendments,

It was agreed to.

Mr. Stanton moved that the bill be considered as engrossed.

Which was agreed to.

Mr. Stanton moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that said bill be read a third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barritt, Beatty, Beeler, Brockinridge, Carnahan, Cave, Chittenden, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis of Elkhart, Davis of Floyd, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Long, McBride, McDonald, McFadin, Millekan, Miller, Miner, Mitchell, Monroe, Montgomery, Odell, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Sleeth, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of Union, Wilson, Zenor, and Mr. Speaker—70.

H. J. Ex. S.—15.

Those who voted in the negative were,

Messrs. Dittmore, Hyatt, Lawler, Logan, Miles, Williams of Knox, and Williams of St. Joseph—7.

So it was deemed expedient to suspend the constitutional rule, and House bill No. 341 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barritt, Beatty, Beeler, Breckinridge, Calvert, Chittenden, Coffroth, Cotton, Cox, Cunningham, Davidson, Davis of Elkhart, Davis of Floyd, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Hall, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Long, McBride, McDonald, McFadin, Miller, Mitchell, Monroe, Montgomery, Odell, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Sleeth, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Union, Wilson, Zenor, and Mr. Speaker—66.

Those who voted in the negative were,

Messrs. Bates, Carnahan, Cave, Dittmore; Hyatt, Logan, McGregor, Miles, Miner, Neff, Osborn, Williams of Knox, and Zol-lars—13.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill.

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Pierce of Vigo moved to suspend the order of business, and take up House bill No. 322.

Which was agreed to.

Mr. Pierce of Vigo moved to suspend the constitutional rule, and that the bill be read a second time by title and a third time by sections.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were,

Messrs. Admire, Baker, Bates, Beatty, Beeler, Breckinridge, Calvert, Carnahan, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gordon, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Long, Mason, McDonald, McFadin, McGregor, Miller, Miles, Miner, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Pierce of Vigo, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars, and Mr. Speaker—73.

Those who voted in the negative were,

Messrs. Cave, Chittenden, Hutchings and Palmer—4.

So it was deemed expedient to suspend the rule.

House bill No. 322 was read a second time by title.

On motion of Mr. Pierce, of Vigo, the bill was considered engrossed.

House bill No. 322, entitled, "A bill to enable railroad companies which have formed articles of association, naming the place from and to which the proposed roads are to be constructed to perfect their lines by connections, to preserve their franchises, and to define the extent, character and privileges of the same."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Bates, Beatty, Beeler, Breckinridge, Cal-

vert, Carnahan, Cave, Chittenden. Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis of Elkhart, Davis of Floyd, Dittmore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McGregor, Miller, Miles, Miner, Mitchell, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Zenor, Zollars, and Mr. Speaker—78.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Message from the Governor, by John M. Commons, Private Secretary :

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, April 23, 1869. }

Gentlemen of the House of Representatives :

In compliance with your resolution of this date, I herewith respectfully return enrolled act of the House, (No. 23), to the end that the enrollment thereof may be corrected.

CONRAD BAKER.

The Speaker announced that he had signed enrolled House bill No. 23.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No.

78, the same was taken up—having previously been read a second time.

The amendments reported by the committee were read.

Mr. Zollars moved that the amendments be adopted.

Mr. Cory moved that the further consideration of the bill be postponed until Tuesday next, and that two hundred copies be printed.

Mr. Zollars moved to lay the motion on the table.

Which was agreed to.

Mr. Chittenden offered the following amendment:

Amend section 6—“*Provided, further,* That the County Treasurer shall not be allowed to charge or deduct a per centum for the collection of tax levied for turnpike and gravel road purposes, except where the money is actually paid to said county treasurer.”

Mr. Neff moved that the amendment be laid on the table.

Which was agreed to.

Mr. Coffroth moved the previous question, which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on concurring in the report of the committee, and the adoption of pending amending amendments,

It was agreed to.

House bill No. 78, entitled “A bill in relation to the salaries of county officers, and providing the manner of paying the same, and regulating the allowances to be made by County Boards, and Circuit and Common Pleas Courts, and repealing all laws inconsistent with this act.”

Was read a third time.

Mr. Coffroth, by unanimous consent, offered the following amendments :

“ SEC. —. All laws and parts of laws inconsistent with the provisions of this act, are hereby repealed.”

“ SEC. —. An emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.”

Which was agreed to.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barritt, Bates, Beatty, Beeler, Breckinridge, Calvert, Carnahan, Chittenden, Coffroth, Cotton, Cox, Davidson, Davis of Elkhart, Dittemore, Dunn, Fairchild, Field of Lagrange, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Kercheval, Logan, Long, Mason, McFadin, McGregor, Miller, Miles, Miner, Mitchell, Monroe, Montgomery, Neff, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—69.

Those who voted in the negative were,

Messrs. Barnett, Cave, Cory, Cunningham, Davis of Floyd, Fuller, Johnson of Parke, Lawler, Lamborn, McDonald, Odell, Skidmore, Sleeth and Taber—15.

So the bill passed.

The question being, shall the title as read stand as the title of the bill ?

Mr. Osborn moved to amend the title so as to read as follows :

“ An act to amend an act entitled ‘ An act regulating the fees

of officers, and repealing former acts in relation thereto,' approved March 2, 1855."

Which was agreed to.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Cory offered the following resolution :

WHEREAS, A quorum for the transaction of business is not likely to be present on to-morrow; and

WHEREAS, The semi-centennial anniversary of Odd Fellowship in the United States, will be celebrated by the Odd Fellows of Indiana, in this city, on Monday, the 26th instant; therefore

Resolved, That when this House adjourn, it adjourn to meet on Tuesday, the 27th instant, at nine o'clock A. M.

Which, on motion, was laid on the table.

Mr. Zollars offered the following resolution :

Resolved, That when this House adjourns it shall stand adjourned until 7½ o'clock P. M., and that a night session be held for the purpose of reading bills on their second reading and taking action upon the same.

Which was not agreed to.

Mr. Stewart of Rush, moved that the House now proceed to the consideration of bills on their third reading.

Which was agreed to.

HOUSE BILLS ON THIRD READING.

Engrossed House bill No. 150, entitled " A bill appropriating twelve thousand dollars for furnishing wards and subsisting patients in the north wing of the Indiana Hospital for the Insane until the thirty-first of March, 1869, and declaring an emergency."

Was read a third time, and, on motion, was indefinitely postponed.

Engrossed House bill No. 170. A bill to provide for the assessment and collection of taxes for municipal purposes on the shares of stock owned in banks and banking associations doing business in this State.

Was read a third time.

Mr. Zollars moved that the bill be made the special order for next Thursday at 10 o'clock.

Which was agreed to.

Mr. Pierce of Vigo, offered the following resolution :

Resolved, That when this House adjourns on Saturday (to-morrow), it stand adjourned until Tuesday next at 9 o'clock A. M.

Mr. Williams of Union, moved to amend by saying "2 o'clock Monday."

Which was not agreed to.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Barritt, Calvert, Cave, Davis of Floyd, Hall, Hutchings, Hutson, Johnson of Montgomery, Jump, Lamborn, Long, McBride, McDonald, Miller, Miner, Mitchell, Monroe, Neff, Odell, Osborn, Overmyer, Pierce of Vigo, Shoaff, Shoemaker, Sleeth, Stanton, Stephenson, Stewart of Rush, Sunman, Tebbs, Welborn, Wile, Wildman, Williams of St. Joseph, Zenor, Zollars, and Mr. Speaker—39.

Those who voted in the negative were,

Messrs. Admire, Bates, Beatty, Breckinridge, Carnahan, Cotton, Cox, Cunningham, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lagrange, Gilham, Higbee, Higgins, Hyatt, Johnson of Parke, Johnson of Marshall, Logan, McFadin, Montgomery, Pierce of Porter, Ratliff, Ruddell, Sabin, Skidmore, Smith, Taber, Varde-man, Vater, Williams of Hamilton, Williams of Knox, Williams of Union, and Mr. Wilson—35.

The question being on the resolution offered by Mr. Pierce of
Vigo,

Messrs. Dunn and McFadin demanded the ayes and noes.

So the resolution was agreed to.

Mr. Gilham moved that the House do now adjourn.

Which was agreed to.

SATURDAY MORNING, 9 O'CLOCK A. M., {
April 24th, 1869. }

The House met.

Mr. Cotton moved that the reading of the Journal be dispensed with.

Which was agreed to.

Mr. Vardeman asked and obtained leave of absence until next Tuesday.

Mr. Dunn from the special committee on Agricultural College submitted the following report:

MR. SPEAKER:

The special committee on Agricultural College, to whom was referred House Bill No. 347, providing for the location of the Agricultural College at Bloomington, in connection with the State University, and providing for placing said Agricultural College fund in the hands of the Trustees of said Agricultural College, and the Trustees of the State University, which Trustees jointly shall constitute the Trustees of said College and University," have instructed me to report the same back with the following amendment:

After the words "carry into full effect this act," in third section insert the words "and the act of Congress providing for the establishment of Agricultural College."

And when so amended recommend its passage.

Mr. Dunn moved that the report be made the special order for Tuesday next, at 9½ o'clock.

Which was agreed to.

Messrs. Sunman, Stephenson and Green were granted leave of absence until Tuesday next.

Mr. Osborn moved to take up the Senate Message, containing Engrossed House Bill No. 65, with Senate amendments.

Which was agreed to.

Engrossed House Bill No. 65, a bill amending section fifteen of an act entitled "An act for the incorporation of Manufacturing and Mining Companies, and for Mechanical, Chemical and Building purposes." Approved May 20, 1852, and declaring the meaning of the word "annually," as used in the thirteenth section of said act, was then taken up and the Senate amendments were read.

Mr Osborn moved to concur in said amendments.

Which was agreed to.

Mr. McGregor asked and obtained leave of absence until Tuesday next.

Message from the Senate by Mr. Wilson, the Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following bills, viz.:

House bill No. 214, entitled "A bill supplemental to an act entitled an act supplemental to an act approved March 5, 1859, entitled an act authorizing the purchase of railroads, plank-roads, or macadamized roads, or parts thereof under mortgaged sales, or sales made according to the times of the deeds trust, to organize as incorporated companies, and prescribing their powers, and extending the time provided in said act for the organization of such distinct organization," of trustees, and providing for the mode of working and improving streets and alleys, and declaring an emergency.

Also, House bill No. 34, entitled "A bill to enable incorporated towns to lay out, open, grade and improve streets and alleys, and make public improvements therein, and to make surveys and adopt plats, where the same have been lost or destroyed, and prescribing the duties of the Board of Commissioners."

Mr. Underwood moved that when this House adjourns, it shall be till Tuesday next at two o'clock.

Mr. Vardeman moved to lay the motion to adjourn on the table.

Which was agreed to.

Mr. Barritt moved a call of the House.

Which was agreed to.

Those answering to their names were,

Messrs. Admire, Barnett, Barritt, Bates, Beatty, Breckinridge, Carnahan, Chittenden, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Green, Hamilton, Higbee, Hutchings, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Kercheval, Lamborn, Logan, Long, Mason, McBride, McDonald, McFadin, Miller, Miles, Miner, Mitchell, Monroe, Montgomery, Neff, Osborn, Overmyer, Palmer, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars, and Mr. Speaker—72.

On motion, further proceedings under the call were dispensed with.

Mr. Palmer moved to suspend the order of business, and take up House bill No. 104.

Mr. Stewart moved to amend by saying "take up House bills on the third reading."

The question being, on the amendment by Mr. Stewart,

It was agreed to.

The question being on the motion as amended,

It was agreed to.

HOUSE BILLS ON THIRD READING.

Engrossed House bill No. 24, "A bill to regulate the standing of the medical profession, declaring who may practice medicine, and providing penalties for its violation."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Barnett, Barritt, Bates, Beatty, Breckinridge, Chittenden, Coffroth, Cotton, Davidson, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Hall, Higbee, Hutchings, Johnson of Parke, Kercheval, Lamborn, Long, Mason, McBride, McDonald, Miles, Miner, Mitchell, Monroe, Osborn, Overmyer, Palmer, Pierce of Porter, Ruddell, Sabin, Shoaff, Sleeth, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vater, Welborn, Wildman, Williams of Hamilton, Williams of Union, Wilson, Zenor, and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Carnahan, Cory, Cox, Cunningham, Davis of Elkhart, Gordon, Hamilton, Johnson of Marshall, Logan, Miller, Montgomery, Neff, Smith, Williams of Knox, Williams of St. Joseph—15.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Wildman moved to reconsider the vote by which House bills on the third reading were taken up.

Mr. Cunningham moved to lay the motion to reconsider on the table.

Which was not agreed to.

The question recurring on the motion to reconsider.

It was agreed to.

Mr. Wildman moved to take up House bills on second reading.

Which was agreed to.

HOUSE BILLS ON SECOND READING.

House bill No. 61. A bill to encourage the republication of Blackford's Reports, and appropriating money therefor.

Was read a second time.

Mr. Coffroth moved that the bill be indefinitely postponed.

Which was agreed to.

House bill No. 209, entitled a bill to define certain offences therein mentioned, and to prescribe punishment therefor, and to suppress the usurpation of the functions of the Judiciary in the punishment of real, or pretended offences.

Was read a second time, ordered to be engrossed, and passed to a third reading.

House bill No. 234, entitled "A bill declaring the meaning of sections fourteen and sixteen of an act entitled "An act containing several provisions regarding landlords, tenants, lessors, and lessees, approved March 20th, 1852, and to authorize and give a right of action by one joint tenant, tenant in common, or tenant in coparcenary against other joint tenants, tenant in common and tenants in coparcenary, and to recover rents for use and occupation of land from such tenant in possession, and declaring an emergency."

Was read a second time, ordered to be engrossed, and passed to a third reading.

Mr. Underwood asked, and obtained, leave of absence for the remainder of the day.

House bill No. 80. A bill declaring what evidence shall be sufficient *prima facie*, to establish title to real estate under a Sheriff's sale on execution, and providing that such sales shall not be adjudged void or set aside on account of the failure of the Sheriff to sell in parcels.

Was read a second time.

Mr. Osborn moved that the bill be ordered to be engrossed.

Which was agreed to.

House bill No. 219, entitled a bill to amend section nine of "An act to provide for the assessment and collection of taxes on the shares of stock owned in Bank and Banking Associations, doing business in this State."

Was read a second time, with the amendments reported by the committee.

Mr. Osborn moved to concur in the report of the committee and adopt the amendments.

Which was agreed to.

Mr. Vater moved that the bill be engrossed, and passed to a third reading.

It was so ordered.

House bill No. 153, "A bill to repeal all laws providing that not more than five acres shall be subject to taxation within a city, and to make all property subject to State and county taxation within a city, subject to taxation for city purposes;" was read a second time, with the amendments reported by the committee.

Mr. Wile moved that the amendments be adopted, and the report of the committee concurred in.

Mr. Stewart, of Rush, moved to strike out of the bill all that relates to towns.

* Mr. Johnson, of Parke, moved to refer the bill and pending amendments to a select committee of five.

Which was agreed to.

Mr. Cotton moved that the House take up the General Appropriation bill, for the purpose of making a correction of an error therein.

Mr. Sabin moved to refer the matter to a special committee of three.

Which was agreed to.

The Speaker announced Messrs. Sabin, Osborn and Vater as said committee.

Mr. Wilson moved to take up House bill No. 31, which had previously been laid on the table.

Which was agreed to.

Mr. Wilson moved that the report of the committee be concurred in, and the amendments adopted.

Mr. Odell offered the following motion :

To amend the report of the committee by striking out the words "twenty-five," and inserting "fifty" in lieu thereof.

Mr. Williams, of Knox, moved to postpone the bill and amendments indefinitely.

Mr. Coffroth moved that the bill and amendments be postponed, and made the special order for Tuesday, at 2 o'clock.

Which was agreed to.

Mr. Coffroth (by consent) from the Committee on the Judiciary, submitted the following report :

MR. SPEAKER:

Your committee, to whom was referred Senate bill No. 161, entitled, "A bill to provide for the organization of Savings Banks, and the safe and proper management of their affairs," have had the same under consideration, and respectfully report the same back, with the following amendments :

1. Strike out section fourteen, and insert the following in lieu thereof :

"Section 14. The trustees of every savings bank shall require, from the officers and agents of the corporation, such security for their fidelity and the faithful performance of their duties, as they shall deem necessary, and every officer and agent of such savings bank who, by the rules and regulations thereof, is to have direct custody or control of the funds thereof, shall, before entering upon his duties, execute, with one or more freehold sureties, to be approved by said judge, an undertaking, in such sums as said judge may determine, payable to the State of Indiana for the use of such savings bank, or any creation thereof or depositor therein, conditioned for the faithful discharge of his duties as such officer or agent, and for the payment of any loss or damage occasioned by his willful misconduct or neglect, which undertaking shall be filed in the office of the Clerk of the Court of Common Pleas of the county wherein such bank is situated."

Amend section nineteen as follows:

"1. Strike out the fifth clause therein."

"2. Add to the end of the seventh clause of said section the following words: 'And that not more than \$5,000 shall be loaned on the same security.'"

Amend section fifty-four as follows:

"Strike out of the seventh line of said section the following words: 'Shall have arrived at full age.' Also insert in said line, after the word 'until,' the following words: 'A guardian shall have been lawfully appointed for.' Also add to the end of said section the following words: 'Or a guardian shall have been appointed.'" and, when so amended, recommend its passage.

Which was laid on the table.

Mr. Osborn, from the special committee on railroads, made the following report:

MR. SPEAKER:

Your committee, to whom was referred Senate bill No. 239, entitled "An act authorizing the classification of the Board of Directors of Railroad Companies," have had the same under consideration, and recommend its passage.

H. J. Ex. S.—16.

Mr. Wildman moved that the report of the committee be concurred in.

Which was agreed to.

Mr. Wildman offered the following amendment :

Provided, That it shall not be unlawful for Township Trustess to make appropriations out of any funds in the township treasury, (except school funds,) for the purpose of building bridges. But said appropriations shall not exceed \$1,500 for any one bridge.

Which was agreed to.

Mr. Cory moved that the House do now adjourn.

Which was not agreed to.

Mr. Wildman moved that Senate bill No. 239, be ordered to be engrossed.

Messrs. Davis of Elkhart, and Lamborn asked, and obtained leave of absence until Wednesday next.

The Speaker announced the following special committee on House bill No. 153 :

Messrs. Johnson of Parke, Odell, Osborn, Vater and Zollars.

Mr. Wilson moved that the House do now adjourn until Tuesday morning at 9 o'clock A. M.

Which was agreed to.

TUESDAY MORNING, 9 o'CLOCK, }
 April 27, 1869. }

The House met.

Mr. Davidson moved to dispense with the reading of the Journal.

Which was agreed to.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Cory presented a petition from sundry citizens of Franklin county, asking the General Assembly to amend the Gravel Road Law so as to empower and authorize the County Auditor, at any time when petitioned by a majority of the stockholders of any Gravel Road company, organized under said act, to call together the County Commissioners, for sundry purposes therein named.

Which was read and referred to the Committee on Roads.

Mr. Dunn presented a claim for Thomas A. Whitted, for \$200, as expenses incurred in arresting a horse thief.

Which was referred to the Committee on Claims without reading.

Mr. Monroe obtained leave of absence on account of sickness.

REPORTS OF STANDING COMMITTEES.

Mr. Pierce of Vigo, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 312, "A bill making it a misdemeanor to charge a female with unchastity, prescribing the punishment therefor, and declaring an emergency," have had the same under consideration, and recommend its passage.

Which report was laid on the table.

Mr. Pierce of Vigo, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 222, "An act to entitle persons accused of crimes and misdemeanors to give their own evidence in self-defence before the courts," have had the same under consideration, and recommend that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Dunn, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred Engrossed Senate bill No. 95, "A bill to amend section three hundred and three of an act to revise, simplify, and abridge the rules of practice, pleadings, and forms in civil cases in courts in this State, to abridge distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleadings and practice without distinction between law and equity," have had the same under consideration, and recommend that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Osborn, from the Committee on Enrolled Bills, made the following report :

MR. SPEAKER :

Your Committee on Enrolled Bills have examined House bill No. 65 as engrossed, and have compared the same with the original bill, and find that the same has been correctly engrossed.

Mr. Dunn, from the Committee on the Judiciary, submitted the following report :

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred En-grossed Senate bill No. 238, entitled "A bill to amend section two hundred of chapter first of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleadings and practice without distinction between law and equity," have had the same under consideration, and direct me to report the same back and recommend its passage.

Which report was laid on the table.

Mr. Coffroth, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred En-grossed Senate bill No. 84, "A bill to repeal section thirty-one of an act entitled an act concerning real property and the alienation thereof, approved May 6th, 1852," have had the same under consideration, and recommend its passage.

Which report was laid on the table.

Mr. Coffroth, from the Committee on the Judiciary, presented the following report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred House bill No. 267, entitled "A bill authorizing the Auditor of State to adopt a uniform system of book-keeping for the use of Township Trustees, and providing for the payment of the same," have had the same under consideration, and recommend that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Coffroth, from the Committee on the Judiciary, submitted the following report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred House bill No. 314, entitled "A bill to amend an act entitled an act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements, approved June 17th, 1852," have had the same under consideration, and recommend its passage.

Which report was laid on the table.

Mr. Coffroth, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred House bill No. 331, "A bill authorizing the State of Indiana to take a change of venue in criminal cases, and directing the mode of taking the same," have carefully considered the bill, and recommend that it be indefinitely postponed.

Which report was concurred in and the bill indefinitely postponed.

Mr. Coffroth, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred House bill No. 287, "A bill to amend section 156 of the Practice Act," have had the same under consideration, and recommend its passage.

Which report was laid on the table.

Mr. Coffroth, from the Committee on the Judiciary, submitted the following report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred House

bill No. —, entitled "A bill defining who are competent witnesses in courts of justice," have had the same under consideration, and recommend that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Tebbs, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

The Committee on Engrossed Bills, to whom was referred House bill No. 211, have carefully examined the same, and find it in all respects properly engrossed.

Mr. Stephenson, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred engrossed Senate bill No. 105, "A bill to repeal an act entitled 'an act in relation to County Treasurers, approved June 4, 1852, and declaring an emergency,'" approved March 6, 1865, have had the same under consideration, and recommend that the bill do pass.

Which report was laid on the table.

Mr. Skidmore, from the Committee on Fees and Salaries, made the following report :

MR. SPEAKER :

Your Committee, to whom was referred House bill No. 326, "An act to amend section eighty-seven of an act entitled 'an act to compel witnesses to attend and testify before the Grand Jury,'" have had the same under consideration, and direct me to report the same back and recommend its indefinite postponement.

The question being on concurring in the report of the committee, a division was asked.

It was so ordered.

No quorum voting.

Messrs. Montgomery, Hutchings, Miner and Odell, asked and obtained leave of absence for the day.

Mr. Osborn, from the Committee on Education, made the following report:

MR. SPEAKER:

Your committee to whom was referred House bill No. 380, "An act to provide for condemning lots or lands for school purpose, and assessment of damages," &c., direct me to report that they have had the same under consideration, and direct me to report the same with the recommendation that it do pass.

Which report was laid on the table.

The Speaker ordered a call of the House.

Those who answered to their names were,

Messrs. Addison, Baker, Barritt, Barnett, Bates, Beatty, Beeler, Bobo, Bowen, Breckinridge, Carnahan, Chittenden, Coffroth, Cory, Cotton, Davidson, Dittmore, Dunn, Fairchild, Field of La-grange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Lawler, Logan, Long, Mason, McDonald, McFadin, Miller, Miles, Mitchell, Monroe, Osborn, Overmyer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr Speaker—72.

On motion, further proceedings, under the call, were dispensed with.

The question being on concurring in the report of the committee, and indefinitely postponing the bill,

Messrs. Underwood and Vater demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Bates, Beeler, Bobo, Chittenden, Coffroth, Cot-

ton, Cox, Dunn, Fuller, Gilham, Gordon, Greene, Hall, Higgins, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Logan, Long, Mason, McFadin, Miles, Mitchell, Monroe, Osborn, Pierce of Vigo, Skidmore, Smith, Stanton, Stephenson, Stewart of Ohio, Tebbs, Welborn, Wile, Wildman, Williams of St. Joseph, Wilson, Zollars and Mr. Speaker—42.

Those who voted in the negative were,

Messrs. Baker, Barnett, Barritt, Beatty, Bowen, Breckinridge, Carnahan, Cory, Davidson, Dittmore, Fairchild, Field of LAGRANGE, Hamilton, Higbee, Lawler, McDonald, Miller, Overmyer, Ratliff, Ruddell, Sabin, Shoaff, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Williams of Hamilton, Williams of Knox, Williams of Union, and Zenor—31.

So the report was concurred in, and the bill indefinitely postponed.

Mr. Mitchell, from the Committee on Enrolled Bills, made the following report :

MR. SPEAKER:

Your Committee on Enrolled Bills beg leave to report that they have compared Enrolled House Bill No. 214 with the original bill, and find it correctly engrossed.

Mr. Mitchell, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills, beg leave to report that they have compared Enrolled House Bill No. 34 with the original bill, and find it correctly engrossed.

SPECIAL COMMITTEES.

Mr. Ratliff from the Committee on Trust Funds, made the following report:

MR. SPEAKER:

Your Committee on Trust Funds, to whom was referred House Bill No. 384, "A bill providing for legalizing certain sales of School, University and other lands belonging to the Trust Funds, and providing how such deeds shall be made," have had the same under consideration and recommend its passage.

Which was laid on the table.

Mr. Vater, from the special committee on the General Appropriation Bill, made the following report:

MR. SPEAKER:

Your special committee to whom was referred the matter of the apparent mistake in relation to the General Appropriation Bill, have attended to their duty, and find that the amendment offered by the gentlemen from Franklin, Mr. Cory, and amended by the gentlemen from Howard, Mr. Wildman, to the amendment of the Senate amendment, appropriating \$5,000 for the erection of a boiler house for the Northern Penitentiary, was never sent to the Senate, and the reason thereof is, that no such amendment is on the files of the Clerk; the gentlemen who offered them never having sent them to the Clerk's desk.

Mr. Coffroth offered the following resolution:

Resolved, That the Clerk is hereby directed to return to the Senate, House bill No. 309, entitled an act making general appropriations, together with the House engrossed amendment to the Senate amendment, making an appropriation of \$5,000, for the building of an engine and boiler house at the Northern State Prison, and that he inform the Senate of the omission to transmit said amendment of the House, and to ask the Senate to concur in the same.

Which was agreed to.

Mr. Vater, from the Special Committee on House bill No. 306, made the following report:

MR. SPEAKER:

The special committee, to whom was referred House bill No.

306, "A bill fixing the per diem and mileage of the General Assembly, the pay of the Secretary of the Senate, the Clerk of the House of Representatives," &c., have had the same under consideration, and have instructed me to report the same back with the following amendment:

Strike out all after the enacting clause, and insert the following:

"Each House of the General Assembly shall, by a *viva voce* vote, elect the following officers, to-wit:

"The Senate, one President *pro tempore*, in the absence of the Lieutenant Governor, one Secretary, and one Doorkeeper; the House of Representatives, one Speaker, one Clerk, and one Doorkeeper."

"The Secretary of the Senate shall daily make up and have charge of the Journal thereof; shall superintend the engrossment and enrollment of Senate bills, subject to the Committee on Engrossed and Enrolled Bills; shall have charge and supervision of the books and papers on file pertaining to the business of the Senate, subject to the orders of the President thereof; he shall furnish, at his own expense, all the clerical force needed in the Senate for making the Journal thereof, engrossed and enrolled bills, and in reading, registering and filing the bills, books and papers thereof, and in transmitting messages to the House of Representatives; and his per diem shall be \$50 per day, for every day of the session of the General Assembly."

"The Clerk of the House of Representatives shall daily make up and have charge of the Journal thereof; shall superintend the engrossment and enrollment of House bills, subject to the Committee on Engrossed and Enrolled Bills; shall have general charge and supervision of the books and papers on file, pertaining to the business of the House of Representatives, subject to the orders of the Speaker thereof. He shall furnish, at his own expense, all the clerical force needed in the House for making the Journals thereof, engrossing and enrolling bills, and in reading, registering and filing the bills, books and papers thereof, and in transmitting messages to the Senate; and his per diem shall be \$50 per day for every day of the session of the General Assembly."

"The Doorkeeper of the House of Representatives shall perform the duties usually performed by such officers, subject to the order of their respective Houses, or the presiding officer thereof, and shall hire, at their own expense, a sufficient number of competent persons to discharge the necessary duties of mail carrier, folders in stationery room, postmaster, firemen in the two Houses, water carrier, announcing messenger, Assistant Doorkeeper into the lobbies, and all other offices necessary to be filled in the legislative discharge of the duties of the Doorkeeper of either House, not including the pages on the floor of the two Houses; and the pay of such Doorkeeper shall be \$35 per day for every day of the session of the General Assembly."

SEC. 2. All laws, or parts of laws, coming in conflict with the provisions of this act, are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after the adjournment of this session of the General Assembly.

Also, amend the title of the bill to read as follows:

"A bill to provide for the election of officers of the two Houses of the General Assembly, fixing their pay and defining their duties, repealing all laws or parts of laws in conflict with this act, and declaring when this act shall take effect."

And when so amended they recommend its passage.

Which report was laid on the table.

Mr. Sabin, from the Committee on Claims, made the following report:

MR. SPEAKER:

Your Committee on Claims, to whom was referred the claim of Dr. J. K. Tilman, for \$342 21 for three months and one day's service as Assistant Surgeon of the 60th regiment Indiana volunteer infantry, for subsistence for self during the same time, and for subsistence, pay and clothing for servant during the same time, have had the same under consideration, and have instructed me to report the same back, and recommend that said claim be allowed and incorporated in the Specific Appropriation Bill.

Which report was concurred in.

Mr. Sabin, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of Julius Bætticher for \$346 08 for the *Weekly Volksblatt* furnished during the Regular Session of the General Assembly in 1869, have had the same under consideration, and have instructed me to report the same back to the House, and recommend that said claim be allowed and incorporated in the Specific Appropriation Bill for payment.

Which report was concurred in.

Mr. Sabin, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of R. H. Smith for \$10, for two days' services as Clerk of the Committee on Ways and Means, have had the same under consideration, and have instructed me to report in favor of the allowance of said claim, and that it be incorporated in the Specific Appropriation Bill for payment.

Which report was concurred in.

Mr. Sabin, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of John A. Buchanan for \$187 50, for work on Deaf and Dumb Asylum, have had the same under consideration, and instructed me to report the same back to the House, and recommend that said claim be not allowed, from the fact that the State is not authorized to pay such claims.

Which report was concurred in.

Mr. Sabin, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of Julius Petty for \$1,500, for damages done his farm and destruction of other property by the soldiers at Camps Carrington and Shanks, in 1862, 1863, 1864, and 1865, have had the same under consideration, and have instructed me to report against the allowance of said claim, on the ground that it is not of that class of claims which the State ought to pay.

Which report was concurred in.

Mr. Sabin, from the Committee on Claims, made the following reports:

MR. SPEAKER:

Your Committee on Claims to whom was referred the claim of James Peelle, for \$100, for attorneys fees paid by him in the contested election case of Beatty *vs.* Peelle, have had the same under consideration, and have instructed me to report in favor of the allowance of said claim, and that it be incorporated in the Specific Appropriation Bill, for payment.

Mr. Welborn moved that the report be laid on the table.

Which was agreed to.

MR. SPEAKER:

Your Committee on Claims to whom was referred the claim of Samuel Beatty, for \$161, for attorneys fees and expenses, in the contested election case of Beatty *vs.* Peelle, have had the same under consideration and have instructed me to report in favor of the allowance of said claim, and that it be incorporated in the Specific Appropriation Bill, for payment.

Mr. Greene moved to lay the amendment on the table.

Which was agreed to.

MR. SPEAKER:

Your Committee on Claims to whom was referred the claim of D. M. Dryden for \$374 27, money paid to D. & J. Howard for repairs on the gun boat "Chillicothe," for border defence in 1862, upon an order of Governor Morton, have had the same under consideration, and have instructed me to report the same back to the House, with the recommendation that it be allowed, and incorporated in the Specific Appropriation Bill.

Mr. Coffroth moved to lay the report on the table.

Which was agreed to.

The Speaker laid before the House the following communication from the Governor:

A message from the Governor, by John M. Commons, his private Secretary:

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, April 23, 1869. }

To the Senate and House of Representatives:

The Directors of the Northern Prison, in making their report, which was submitted at the last Regular Session, through an inadvertence, neglected to transmit with their report, the report of the Moral Instructor of the Prison. For this, and other reasons, they have made to me a Supplemental Report, which is herewith respectfully transmitted, to the General Assembly, together with the report of the Moral Instructor.

CONRAD BAKER.

To His Excellency, Governor Conrad Baker:

The undersigned, Directors of the Indiana State Prison North, beg leave to make the following Supplemental Report:

By accident, the report of the Moral Instructor was omitted from the last printed report of the Board of Directors. Said report contains many valuable suggestions, and is herewith submitted.

It will be seen that the Chaplain asks the appropriation of a sufficient sum per annum wherewith to replenish the Library with such books as may be necessary for the instruction and improvement of the convicts. The Board would respectfully represent that, at least

five hundred dollars for each of the years 1869 and 1870, be appropriated for this purpose, as the present small Library is almost entirely worn out.

The Board would also earnestly call your attention to the urgent necessity for removing the steam engine and heating apparatus from the cellar of the kitchen and dining room, and placing it between the dining room and cell house, where it will save much loss of heat, by being in closer proximity to the apartments to be heated and at the same time avoid the evils that might arise in the event of the explosion of the boilers.

We would also call your attention to the law regulating overwork in the Prisons. It appears that the law on this subject was repealed at the session of 1861; but this repeal was not known to the officers of the Prison, nor by any of the contractors, up to the present time. There being now no provision by law regarding such work, and there being a necessity for such, we earnestly recommend that a law upon this subject be enacted, or some other provision be made by which the prisoners may furnish themselves with such comforts or luxuries as they may desire, and which would be an incentive to industry and good behavior.

All of which is respectfully submitted.

[Signed)

A. D. HAMRICK,

President Board of Directors Prison North.

To A. D. Hamrick, J. N. Tyner, and W. D. Crothers, Board of Directors of the Northern Indiana State Prison :

GENTLEMEN : I herewith respectfully submit the result of my observations made during the few months I have occupied the position of Moral Instructor. It is my pleasure to inform you that I find no difficulty in my intercourse with the convicts to conform to the general rules and regulations of the Prison subject to the Warden. The Deputy Warden and his assistants have readily coöperated in all I required of them.

After the death of the Rev. H. C. Skinner, the Warden invited me to open service in the new chapel, previous to my appointment by you. We commenced Sabbath service in January, 1868, and occupy the morning hour (from 11½ to 12½ o'clock) in singing, pray-

er, reading portions of Scripture, and sermon or lecture. From this the men are marched to dinner, and from thence to their cells. From 9 o'clock to 11 o'clock A. M. of the Sabbath is given to circulating the books of the Library and receiving requests from the prisoners on any subject connected with the pastoral duties of the office. In the afternoon, the circulation of religious tracts and conversation with such as request a visit from the Chaplain. During the week days the cells and hospitals are only visited.

The Library consists of about three hundred volumes, and though circulated weekly, is more a source of amusement than improvement to the convicts.

There is no organized church, nor have we had a Sabbath-school. There is no school, as I understand the law contemplates, nor can there be without the necessary elementary books and apparatus. If the chapel or school-room were so situated that the Moral Instructor could take such as may be taught, and these had access to proper books, under his instruction, I think much good could be accomplished by this department of the prison discipline.

As the law directs that this officer shall give his entire attention to the mental and moral improvement of the convicts and to the distribution of the library books, I especially call your attention to the improvements necessary; not only such as may be ordered by your honorable Board, but all such as need further legislation, especially an appropriation of funds which may be used in purchasing books for the library, for Bibles and Testaments, besides the proper elementary books necessary for instruction. There are many hindrances around this work, arising out of its surroundings, over which the office of Moral Instructor has no control. The possibility of escape, the hope of pardon, the difference of time for the trespasses of the same magnitude, the great difference in the nerve to endure and the muscle to perform labor: all these have their influence on men when under punishment. The short experience I have in this peculiar work, the limited resources for educating these men—many of them here but a short time—knowing the strength of appetite, passion, and power of habit, with which they must contend so soon as they leave us, I do not enter upon this work with sanguine hopes of success. Yet I do think, by the united personal as well as official aid of all who may be employed by the

State, much may be done for them while under the life force of all human and Divine power which should be concentrated for their reformation and spiritual welfare.

[Signed,]

AARON WOOD.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, April 26, 1869. }

MR. SPEAKER:

I am directed by the Governor to respectfully inform the House that he has approved and signed Enrolled Act of the House No. 332, entitled "An act to fix the time of holding the Common Pleas Court in the Twenty-Second District."

Also, Enrolled Act of the House No. 333, entitled "An act appropriating \$60,000 to defray the expenses of the Special Session of the Forty-Sixth General Assembly."

Also, Enrolled Act of the House No. 23, entitled "An act to amend an act entitled an act regulating general elections, and prescribing the duties of officers in relation thereto, approved June 7, 1852, and to amend an act entitled an act to provide for township elections, approved June 13th, 1852, and to fill vacancies in office occasioned by the provisions of this act, and to repeal all laws inconsistent therewith, and declaring an emergency."

And that the same have been deposited in the office of the Secretary of State.

JOHN M. COMMONS,
Private Secretary.

The Speaker announced that he had signed Enrolled House bills Nos. 34 and 214.

Mr. Pierce, of Vigo, moved to suspend the order of business, and take up House bills on the third reading.

Messrs. Vater and Underwood demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Bates, Beatty, Beeler, Bobo, Britton, Breckinridge, Chittenden, Coffroth, Cory, Davidson, Fairchild, Field of Lagrange, Gilham, Gordon, Greene, Hall, Hamilton, Hig-

bee, Higgins, Johnson of Parke, Johnson of Marshall, Jump, Logan, McFadin, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Skidmore, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of St. Joseph, Williams of Union, Wilson, Zollars and Mr. Speaker—45.

Those who voted in the negative were,

Messrs. Addison, Admire, Barnett, Bowen, Carnahan, Cotton, Cox, Dunn, Fuller, Hyatt, Johnson of Montgomery, Lawler, Long, Mason, McDonald, Miller, Miles, Ruddell, Shoaff, Smith, Stephenson, Welborn, Williams of Hamilton, Williams of Knox, and Zenor—25.

So the motion to suspend the order of business was agreed to.

HOUSE BILLS ON THIRD READING.

Engrossed House bill No. 136. A bill creating a lien on real estate sold for taxes, by County Treasurers, and for all subsequent taxes paid.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bates, Beatty, Bowen, Breckinridge, Carnahan, Coffroth, Cory, Davidson, Dunn, Field of Lagrange, Fuller, Gilham, Higbee, Hyatt, Johnson of Parke, Jump, Lawler, Logan, Mason, Miller, Miles, Odell, Osborn, Pierce of Porter, Ruddell, Sabin, Stanton, Stewart of Ohio, Stewart of Rush, Taber, Tebbs, Underwood, Vater, Welborn, Wile, Wildman, Williams of Knox, Williams of St. Joseph, Wilson, Zenor, Zollars and Mr. Speaker—44.

Those who voted in the negative were,

Messrs. Baker, Beeler, Cotton, Cox, Fairchild, Gordon, Greene, Hall, Hamilton, Higgins, Johnson of Montgomery, Johnson of Marshall, Long, McDonald, McFadin, Pierce of Vigo, Ratliff, Shoaff,

Skidmore, Smith, Stephenson, Vardeman, Williams of Hamilton, and Williams of Union—24.

So the bill did not pass for want of a constitutional majority.

House bill No. 67. "A bill regulating certain fees of, and allowances to, Sheriff's and Clerks of the Circuit Courts designated therein."

Pending the third reading of the bill,

Mr. Coffroth moved that the bill be laid on the table.

Which was agreed to.

Engrossed House bill No. 198. "A bill to amend the nineteenth section of an act approved June 10, 1852, entitled 'An act defining felonies, and prescribing punishment therefor.'"

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bowen, Britton, Breckinridge, Carnahan, Chittenden, Coffroth, Cory, Cotton, Cox, Davidson, Dunn, Fairchild, Field of La-grange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Lawler, Logan, Long, Mason, McDonald, McFadin, Miller, Miles, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars, and Mr. Speaker—72.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

House bill No. 152. A bill to limit the time for commencing actions for the recovery of lands sold for taxes.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Breckinridge, Carnahan, Coffroth, Cory, Davidson, Field of Lagrange, Higbee, Higgins, Long, Mason, McDonald, Osborn, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Stanton, Stephenson, Stewart of Rush, Taber, Underwood, Vater, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Zenor, and Mr. Speaker—38.

Those who voted in the negative were,

Messrs. Bobo, Britton, Chittenden, Cotton, Cox, Dunn, Fairchild, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Lawler, Logan, McFadin, Miller, Miles, Montgomery, Odell, Overmyer, Pierce of Porter, Shoaff, Skidmore, Smith, Stewart of Ohio, Vardeman, Williams of Union, Wilson, and Zollars.—35.

So the bill failed to pass for want of a constitutional majority.

Message from the Senate by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

Enrolled House Acts Nos. 34, 65, and 214 have been signed by the President of the Senate, and the same are herewith returned to the House.

Mr. Gordon asked and obtained leave of absence for the day.

Engrossed House bill No. 176, entitled "A bill to provide for a Reformatory Institution for girls and women."

Was read a third time.

Mr. Coffroth moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Beeler, Bowen, Breckinridge, Carnahan, Chittenden, Cory, Fairchild, Field of Lake, Gilham, Greene, Hall, Higgins, Jump, Mason, Odell, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Stanton, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Welborn, Williams of Hamilton, Williams of Knox and Williams of Union—32.

Those who voted in the negative were,

Messrs. Addison, Admire, Bates, Beatty, Bobo, Britton, Coffroth, Cotton, Cox, Cunningham, Davidson, Dittmore, Dunn, Fuller, Hamilton, Higbee, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Lawler, Logan, Long, McDonald, McFadin, Miller, Miles, Montgomery, Palmer, Shoaff, Skidmore, Smith, Stephenson, Stewart of Ohio, Tebbs, Wile, Williams of Knox, Wilson, Zenor, Zollars and Mr. Speaker—41.

So the bill failed to pass for the want of a constitutional majority.

Mr. Coffroth moved to reconsider the vote just taken, and also moved that the motion to reconsider be laid on the table.

The Speaker announced that he had signed Enrolled House bills Nos. 214, 65 and 34.

Pending the motion by Mr. Coffroth to lay on the table, Mr. Ruddell moved that the House do now adjourn.

Which was agreed to.

TUESDAY, 2 O'CLOCK, P. M.

The House met.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has receded from its 9th amendment to House bill No. 309, and agreed to the House amendment thereto in striking out \$5,000 and inserting in lieu thereof \$2,000, and the bill, with amendments, is herewith returned.

Mr. Welborn moved that the regular order of business be suspended, and that House bills Nos. 90 and 92 be taken up.

Which was agreed to.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed House bill No. 72, entitled "A bill defining what counties shall constitute the Fifth (5th) Judicial Circuit, and fixing the time of holding courts therein," with the following engrossed Senate amendments thereto, to-wit:

Amend by striking out the word "last" in the 5th line of the second section, and inserting in lieu thereof the word "second;" and also by striking out the word "March" in the said 5th line, and inserting in lieu thereof the word "April." Also, by striking out the word "two," in the 8th line of the said second section, and inserting in lieu thereof the word "three;" and also by striking out the word "second," in the 13th line of said section, and inserting in lieu thereof the word "third;" and also by striking out the whole of lines 16, 17 and 18, of said second section, and the words "court requires it," in the 19th line of said second section; and also by striking out the word "first," in the 20th line of said section, and inserting in lieu thereof the word "third;" and also by striking out the word "seven," in the 23d line of said section, and inserting in lieu thereof the word "six." Also,

House bill No. 90, entitled "A bill creating the Twenty-fifth Judicial Circuit, providing for the election of Judges and Prosecuting Attorneys therefor, and providing compensation therefor," with the following engrossed Senate amendments thereto, to-wit :

Amend the title by making it the "Twenty-eight and Twenty-ninth Judicial Circuits, providing for the election of Judges and Prosecuting Attorneys thereof, and providing compensation therefor; declaring the jurisdiction of said courts, and providing for a transfer of actions thereto." Amend section one, line three, by making the word "county" read "counties;" and after the word "Vanderburg," in same line, add the word "Jefferson." In line five, of same section, strike out "Twenty-fifth," and insert "Twenty-eighth and Twenty-ninth;" and in same line, make the word "circuit" read "circuits;" and in line seven of same section, make "county" read "counties," and after the word "Vanderburg" add "Jefferson." Strike out "a" in same line, and in the eighth line of said section, make the word "court" read "courts." In line nine, make "court" read "Courts." In line twelve of same section, make "court" read "courts;" in same line make "county" read "counties." In line thirteen, after "Vanderburg" add "Jefferson." In line fourteen, make "house" read "houses," and "county" read "counties." In line fifteen, make "county" read "counties." In line sixteen, make "Board" read "Boards." In line seventeen, make "county" read "counties." In line eighteen, make "court" read "courts." In line nineteen, make "county" read "counties." In line twenty, make "court" read "courts." In line twenty-one, make "county" read "counties," and "court" read "courts." Section two, line one, make "court" read "courts." In line two, make "county" read "counties," and after the word "June," in line three, add "and January and July." Strike out lines one and two, in section three, and insert "at the first general election after the passage of this act." In line four of same section, after the word "of," insert the word "each of," and make the word "circuit" read "circuits." In line twelve of section three, make the word "county" read "counties," and in line four, after "Vanderburg" add "Jefferson." In line five, make the word "court" read "courts." In section five, line six, make "county" read "counties." In line fifteen, make "county" read "counties." In line sixteen, make "court" read "courts." In line eighteen,

make "court" read "courts," and "county" read "counties." In line twenty-one, make "court" read "courts."

Engrossed House bill No. 90. A bill creating the Twenty-third Judicial Circuit, providing for the election of Judges and Prosecuting Attorneys therefor, and providing compensation therefor, declaring the jurisdiction of said court, and providing for a transfer of actions thereto, was taken up with engrossed Senate amendments thereto.

Mr. Overmyer offered the following amendment :

Add to section four (4,) the following: "Provided, that the Prosecuting Attorney of the Civil Circuit Court in Jefferson county shall act as the Prosecuting Attorney of the said Criminal Court in Jefferson county.

The question being on concurring in the Senate amendments, and the adoption of the amendment offered by Mr. Overmyer,

Mr. Coffroth demanded a division of the question.

Which was agreed to.

The question being on the adoption of the amendment offered by Mr. Overmyer,

It was agreed to.

The question being on concurring in the Senate amendments,

Messrs. Williams of Hamilton and Barritt demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett, Beeler, Bobo, Breckinridge, Chittenden, Coffroth, Cory, Cox, Davis of Floyd, Hamilton, Higbee, Higgins, Hutchings, Lawler, Osborn, Overmyer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Stanton, Stephenson, Stewart of Ohio, Sunman, Taber, Tebbs, Underwood, Vater, Welborn, Wile, Wildman, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—36.

Those who voted in the negative were,

Messrs. Addison, Admire, Baker, Barritt, Bates, Bowen, Britton, Carnahan, Cotton, Davidson, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Greene, Hall, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Logan, Long, McBride, McDonald, McFadin, Miller, Miles, Montgomery, Odell, Palmer, Skidmore, Smith, Stewart of Rush, Vardeman, Williams of Hamilton and Williams of Knox—37.

So the amendments were not concurred in.

Ordered, That the Clerk inform the Senate thereof.

Engrossed House bill No. 72. A bill defining what counties shall constitute the Fifth Judicial Circuit, and fixing the time of holding courts therein ; was taken up with engrossed Senate amendments.

Mr. Underwood, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

Your Committee on Engrossed Bills have examined House bills Nos. 80 and 209, comparing them with the original bills, and find them correctly engrossed.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 31, the same was taken up.

House bill No. 31. A bill to amend section 9 of an act entitled "An act providing for the election and qualification of Justices of the Peace, defining their jurisdiction, powers and duties in civil cases ; approved June 19, 1852, and repealing all laws in conflict therewith."

Was read a second time, with amendments reported by the committee.

The question being on concurring in the report of the committee,

Mr. Williams of Knox, moved that the further consideration of the bill and amendments be indefinitely postponed.

Mr. Osborn moved to lay the motion on the table.

Messrs. Williams of Knox, and Osborn demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Beatty, Bowen, Breckinridge, Chittenden, Coffroth, Davidson, Dunn, Fairchild, Field of Lagrange, Hamilton, Higgins, Higbee, Johnson of Parke, Johnson of Marshall, Lawler, Long, Mitchell, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Smith, Stanton, Stephenson, Stewart of Rush, Stewart of Ohio, Taber, Underwood, Vater, Welborn, Williams of St. Joseph, Williams of Union, Zollars and Mr. Speaker—43.

Those who voted in the negative were,

Messrs. Addison, Admire, Barnett, Bates, Beeler, Bobo, Britton, Carnahan, Cotton, Cox, Davis of Floyd, Field of Lake, Fuller, Greene, Hall, Hyatt, Johnson of Montgomery, Jump, Logan, Mason, McBride, McDonald, Miller, Miles, Montgomery, Ratliff, Skidmore, Sleeth, Sunman, Tebbs, Vardeman, Wile, Williams of Hamilton, Williams of Knox and Zollars—37.

So the motion to lay on the table prevailed.

Mr. Stewart of Rush moved to lay on the table the amendment offered by Mr. Odell.

Messrs. Stewart and Odell demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Bobo, Bowen, Breckinridge, Chittenden, Cotton, Cox, Davidson, Field of Lake, Field of Lagrange, Hall, Higbee, Higgins, Jump, Logan, Mason, McDonald, Miller, Palmer, Ratliff, Ruddell, Sabin, Stewart of Rush, Sunman, Taber, Tebbs, Vardeman, Wile, Williams of Knox, Williams of Union and Zenor—32.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Beatty, Beeler, Britton, Carnahan, Coffroth, Davis of Floyd, Dunn, Fairchild, Fuller, Greene,

Hamilton, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Lawler, Long, McBride, Miles, Mitchell, Montgomery, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Underwood, Vater, Welborn, Williams of Hamilton, Williams of St. Joseph, Zollars and Mr. Speaker—42.

So the motion to lay on the table did not prevail.

The question being on the amendment offered by Mr. Odell,

It was agreed to.

The question being on the amendment, as amended, recommended by the Committee on the Judiciary,

Mr. Zollars moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on concurring in the amendment submitted by the Committee,

Messrs. Williams of Knox, and Osborn demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barritt, Beatty, Beeler, Bowen, Chittenden, Coffroth, Davis of Floyd, Dunn, Fairchild, Field of Lagrange, Hamilton, Higbee, Higgins, Long, Miles, Mitchell, Osborn, Palmer, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Stephenson, Stewart of Ohio, Taber, Underwood, Vater, Williams of Hamilton, Williams of Union, Wilson, Zollars and Mr. Speaker—33.

Those who voted in the negative were,

Messrs. Addison, Admire, Baker, Barnett, Bates, Bobo, Britton, Breckinridge, Carnahan, Cory, Cotton, Cox, Davidson, Field of Lake, Fuller, Greene, Hall, Hyatt, Johnson of Montgomery, Jump, Lawler, Logan, Mason, McBride, McDonald, Miller, Montgomery,

Odell, Overmyer, Ratliff, Shoaff, Skidmore, Sleeth, Smith, Stewart of Rush, Sunman, Tebbs, Vardeman, Wile, Williams of Knox, Williams of St. Joseph and Zenor—42.

So the amendment was not agreed to.

Mr. Cotton moved to lay the bill on the table.

Messrs. Ratliff and Underwood demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Bates, Beeler, Britton, Carnahan, Cory, Cotton, Cox, Field of Lake, Fuller, Greene, Hall, Hutchings, Hyatt, Johnson of Montgomery, Jump, Lawler, Logan, Mason, McBride, McDonald, Miller, Montgomery, Odell, Overmyer, Palmer, Ratliff, Shoaff, Skidmore, Sunman, Tebbs, Vardeman, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Zenor and Mr. Speaker—43.

Those who voted in the negative were,

Messrs. Barritt, Beatty, Bobo, Bowen, Breckinridge, Chittenden, Coffroth, Davidson, Davis of Floyd, Dunn, Fairchild, Field of Lagrange, Gilham, Higgins, Johnson of Marshall, Long, Mitchell, Osborn, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vater, Williams of Union and Zollars—32.

So the motion to lay on the table prevailed.

Mr. Underwood moved to suspend the order of business in order to allow Mr. Ruddell to introduce a bill.

Which was agreed to.

Mr. Ruddell introduced

House bill No. 387. A bill to provide for the government and discipline of the State Prisons, and for the oversight of county jails, and to repeal all other laws and parts of laws inconsistent herewith.

Which was read a first time, and referred to the Committee on Prisons.

Mr. Osborn moved that the regular order of business be suspended for the purpose of taking up Senate bills Nos. 316 and 317.

Mr. Zollars moved to lay the motion on the table.

Which was not agreed to.

The question being on the motion by Mr. Osborn,

It was agreed to.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Senate bill No. 316, entitled "A bill relative to residence of parties plaintiff, and regulating the service of summons on defendants in divorce cases, and repealing all laws in conflict therewith." Also, Senate bill No. 317, entitled "An act providing against fraud and corruption in procuring divorces in the Courts of this State, declaring the same a felony, and providing a punishment therefor."

In which the concurrence of the House is respectfully requested.

Senate bill No. 316. A bill relative to residence of parties plaintiffs, and regulating the service of summons on defendants in divorce cases, and repealing all laws in conflict therewith.

Was read a first time, and referred to the Committee on the Judiciary.

Senate bill No. 317. A bill providing against fraud and corruption in procuring divorces in the Courts of this State, declaring the same a felony, and providing a punishment therefor.

Was read a first time, and referred to the Committee on the Judiciary.

Mr. Ratliff moved that the order of business be suspended to take up all House bills on second reading.

Which was agreed to.

Mr. Ratliff moved to suspend the regular order of business and take up House bill No. 325 out of the regular order, and read a second time now.

Mr. Coffroth moved to lay the motion on the table.

Messrs. Ratliff and Osborn demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barnett, Bates, Britton, Breckinridge, Carnahan, Chittenden, Coffroth, Cotton, Davis of Floyd, Field of Lake, Johnson of Montgomery, Johnson of Marshall, McBride, McDonald, McFadin, Miles, Montgomery, Odell, Overmyer, Pierce of Porter, Pierce of Vigo, Sabin, Shoaff, Sleeth, Stephenson, Stewart of Ohio, Sunman, Taber, Wildman, Williams of Hamilton, Williams of Knox, Wilson, Zenor and Mr. Speaker—36.

Those who voted in the negative were,

Messrs. Baker, Beatty, Bobo, Bowen, Davidson, Dunn, Field of Lagrange, Fuller, Gilham, Greene, Hall, Hamilton, Higgins, Hutchings, Johnson of Parke, Jump, Lawler, Logan, Long, Miller, Mitchell, Osborn, Palmer, Ratliff, Ruddell, Skidmore, Smith, Stanton, Stewart of Rush, Tebbs, Underwood, Vardeman, Vater, Wile and Zollers—36.

So the motion to lay on the table did not prevail.

The question recurring on the motion by Mr. Ratliff,

Messrs. Osborn and Ratliff demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Beatty, Bobo, Bowen, Breckinridge, Cory, Cotton, Cox, Davidson, Dunn, Fairchild, Field of Lagrange, Fuller, Greene, Hall, Higbee, Higgins, Hutchings, Hyatt, Jump, Logan, Long, Miller, Mitchell, Osborn, Ratliff, Ruddell, Shoaff, Skidmore, Smith, Stephenson, Stewart of Rush, Underwood, Vardeman, Wile, Wilson and Zollars—38.

Those who voted in the negative were,

Messrs. Admire, Barnett, Bates, Beeler, Britton, Carnahan, Chit

tenden, Coffroth, Davis of Floyd, Field of Lake, Johnson of Montgomery, Johnson of Parke, Mason, McBride, McDonald, McFadin, Miles, Montgomery, Odell, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Sabin, Sleeth, Stewart of Ohio, Sunman, Taber, Tebbs, Vater, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Zenor and Mr. Speaker—36.

So the motion to suspend the order of business prevailed.

House bill No. 325, entitled "A bill to provide for the re-location of county seats, the erection of public buildings in case of such re-location, repealing all laws in conflict herewith, and declaring an emergency."

Was read a second time, and ordered to be engrossed.

House bill No. 208, entitled "A bill to legalize conveyances of real estate made by married women under the age of twenty-one years, where they have joined with their husbands in deed, conveying his land, where such husband is now living, and declaring an emergency."

Was read a second time and ordered to be engrossed.

Mr. Wildman moved that House bill No. 79, which was read a second time April 24, be ordered to be engrossed.

Which was agreed to.

House bill No. 238. "An act authorizing County Commissioners to make appropriations, and to issue bonds in certain cases."

Was read a second time.

Mr. Vater moved that the House concur in the amendments reported by the committee.

Which was agreed to, and the bill ordered to be engrossed.

House bill No. 159. "A bill to amend section 10 of an act to authorize and limit allowances by courts and boards, and drafts upon county treasurers, and declaring an emergency."

Was read a second time.

Mr. Pierce of Vigo moved that the bill be indefinitely postponed.

Which was agreed to.

House bill No. 261. "A bill to make a specific appropriation to the House of Refuge."

Was read a second time.

Mr. Coffroth moved to lay the bill on the table.

Which was agreed to.

House bill No. 257. "A bill to amend section 1 of an act entitled 'An act providing for the election or appointment of Supervisors of highways, and prescribing the time of electing the same, and declaring an emergency.'"

Was read a second time.

Mr. Barritt, moved to lay the bill on the table.

Which was agreed to.

Mr. Wildman moved to reconsider the vote by which the bill was laid on the table.

Mr. Palmer moved to lay the motion on the table.

Which was not agreed to.

The question recurring on the motion by Mr. Wildman,

It was agreed to.

Mr. Odell moved to amend by striking out "one dollar" as the compensation, and inserting "one dollar and fifty cents."

Which was agreed to.

Mr. Bobo offered the following amendment: Amend by adding to — section, "No person shall vote for any supervisor out of the district he resides in at the time of voting, under penalty of five dollars, to be recovered by the township trustee in a civil action."

Mr. Stewart of Rush moved to lay the amendment on the table

Which was not agreed to.

The question recurring on the adoption of the amendment offered by Mr. Bobo,

It was not agreed to.

Mr. Williams of Knox moved to re-commit to the Committee on Roads, with instructions to report a bill making it the duty of trustees to appoint all supervisors.

Which was not agreed to.

On motion, the bill was ordered to be engrossed.

House bill No. 259, entitled "A bill to amend an act entitled 'An act to provide for the protection of fish, defining the time in which they may be trapped, netted or seined, affixing the penalty for the violation of this act, and declaring an emergency;'" approved March 9, 1867.

Was read a second time.

Mr. Barritt moved to indefinitely postpone the bill.

Which was agreed to.

House bill No. 157. "A bill to regulate the publication of legal advertisements."

Was read a second time, with amendments. The amendments were agreed to, and the bill ordered to be engrossed.

House bill No. 33. "An act for the relief of the widow and minor heirs of J. P. Dunn, deceased."

Was read a second time, and referred to a select committee of three.

House bill No. 246. "A bill to enable railroad companies to issue bonds to cities, towns and counties, and to authorize cities, towns and counties to issue bonds in certain cases, and to authorize cities, town and counties to buy the bonds of railroad companies."

Was read a second time, with the amendments reported by the committee.

Which, on motion, was laid on the table.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed Engrossed House bill No. 40, entitled "A bill to enable county commissioners to demand, sue for, and receive any bounty fund which may have been raised by the citizens of any county in the State, and which remains unexpended or not accounted for, and declaring an emergency ;" and the same is herewith returned to the House.

The following veto message was received from the Governor, by Mr. Commons, his Private Secretary, on House bill No. 139 :

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, April 26, 1869. }

Gentlemen of the House of Representatives :

Not being able to give my official approval to Enrolled Act of the House of Representatives No. 139, I am constrained to return it, with the reasons which have prevented me from signing the bill.

That these reasons may be the better understood, I beg leave to quote the entire bill. It reads as follows, viz :

"An act for the relief of Nicholas Morback, Joseph E. Lang and Francis Joseph Wetzler."

"WHEREAS, It is represented to the General Assembly that Nicholas Morback, former trustee of Jackson township, Ripley county, Indiana, on the 14th day of October, 1863, while he was acting as such trustee, and as such, held in his hands the sum of seven hundred and sixty-six dollars and seventy-three cents, special school funds of said township; the sum of seven hundred and ninety-seven dollars and fifty-three cents, school funds of said township, and two hundred dollars, township funds of said township;

"AND WHEREAS, It is further represented, that on the night of the 14th day of October, 1863, the house and iron safe where said money was deposited by said Morback for safe keeping, were broken open and entered by burglars, and said moneys stolen, without

any fault or negligence on the part of said Morback, and that the same, nor no part thereof, was ever recovered by said Morback ;

“AND WHEREAS, At the special January term, 1866, of the Ripley Circuit Court of the State of Indiana, at the suit of The State of Indiana on the relation of Jackson Township, a judgment was rendered against said Nicholas Morback, and Joseph E. Lange and Francis Joseph Wetzler, his sureties on his official bond for the sum of two hundred and forty-two dollars and five cents, which judgment is in full force, and is found in Order Book ‘N,’ page five, of the records of said court ; and also at the August term of said court, 1867, a judgment for two thousand and thirty dollars and thirty-nine cents, which judgment is also in force, and is found in Order Book ‘N,’ page four hundred and seventy-eight of the records of said court, said judgment being for the principal, interest and damages so stolen as aforesaid ;

“AND WHEREAS, A large number of the citizens and tax-payers of said township have petitioned this Assembly for the passage of a law for the relief of said Morback and his said sureties, and release and satisfaction of said judgments ;

“AND WHEREAS, The citizens of said township are alone interested in said judgments, and affected by such relief and satisfaction ; therefore,

“SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That said Nicholas Morback, Joseph E. Lange and Francis Joseph Wetzler, and each of them, be, and the same are hereby released from all liability on account of said judgments except the costs ; and also from all liability on account of the non-payment, by said Morback, trustee as aforesaid, of said sums so stolen as aforesaid, to his successor in office, or in anywise accounting for the same to said township, and said judgments are declared satisfied.

“SEC. 2. An emergency existing for the immediate taking effect of this act, therefore the same shall be in force and take effect from and after its passage.”

From this, it will be seen that Jackson township, Ripley county, is the owner of a judgment against three individuals, who are seek-

ing relief from the payment of that judgment at the hands of the General Assembly of the State. True, the judgment was recovered on an official bond given and payable to the State, and the judgment is in the name of the State on the relation of the township, yet the fact is, that the State is a mere trustee, without any proprietary interest in the judgment, and a necessary, though a formal party to the litigation.

The relator, Jackson township, is the real party in interest, and although it is a corporation, existing under State law, its choses in action or proprietary rights, can no more be released or given away by an act of the Legislature than could those of a natural person under similar circumstances. The State might possibly relieve the persons named in this act by taking its own money out of the State Treasury and applying it to the payment of the judgment named in the act, but what right has the State, by an act of the General Assembly, to take the money of Jackson township and give it to the late trustee of that township and his sureties? If this can be done there is no safety for individual vested rights.

Upon the same principle, if a judgment-plaintiff sues a sheriff and his sureties on an official bond to recover money collected on execution, if the money has been stolen from the sheriff after he has collected it and before he could pay it over, the Legislature, because the judgment is in the name of the State, on the relation of the execution creditor,—and because it is a hard case,—may step in and release the judgment by passing a statute to that effect.

The fact that the preamble to the bill recites that, a large number of the citizens and tax-payers of Jackson township have petitioned the General Assembly for the passage of such a law, can not alter the question. Such a petition might be a good ground for exercising an existing power, but it can not confer a power which does not exist.

The bill in question lacks all the essentials of a law;—it is not a rule of action, but it is in the nature of a judicial decree, whereby satisfaction of a judgment is adjudged without the party whose interests are affected, and whose property is sought to be destroyed, having an opportunity to be heard.

If this judgment is to be adjudged satisfied, let provision be made for doing it by a judicial tribunal, and let Jackson township have its day in court and be permitted to controvert the facts upon which the adjudication is based.

The preamble to the act shows that a part of the funds for which the judgment was rendered were school funds. The Constitution in terms provides that, "the principal of the common school fund shall remain a perpetual fund, which may be increased, but shall never be diminished; *and the increase thereof shall be individually appropriated to the support of common schools, and to no other purpose whatever.*"

Now it is reasonable to suppose that the school fund of Jackson township, which forms a part of the basis of this judgment, was interest distributed to that township by the State. If so, this act, instead of inviolably appropriating it to the support of common schools, directs it to private uses.

Believing the bill to have been inadvertently passed without due consideration, and that it attempts to do that which is beyond the scope of the law-making power, I respectfully return it to the House, in which it originated, to the end that it may be reconsidered.

CONRAD BAKER.

The question being shall the bill pass notwithstanding the Governor's objections,

Mr. Wildman moved the previous question.

Which was seconded by the House.

The question being shall the main question now be put,

It was so ordered.

The question recurring on the passage of the bill over the Governor's objections,

Those who voted in the affirmative were,

Messrs. Barnett, Barritt, Bobo, Bowen, Carnahan, Chittenden, Coffroth, Cory, Dittemore, Fairchild, Hamilton, Hyatt, Johnson of

Parke, Lawler, Lamborne, McBride, McDonald, McFadin, McGregor, Miles, Mitchell, Neff, Odell, Palmer, Pierce of Porter, Pierce of Vigo, Shoaff, Sleeth, Stewart of Ohio, Sunman, Tebbs, Underwood, Wile, Wilson, Zollars and Mr. Speaker—36.

Those who voted in the negative were,

Messrs. Addison, Admire, Baker, Bates, Beatty, Britton, Breckinridge, Chapman, Davidson, Davis of Floyd, Dunn, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Johnson of Marshall, Jump, Kercheval, Logan, Long, Mason, Millekan, Miller, Montgomery, Osborn, Overmeyer, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stewart of Rush, Taber, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Knox, Williams of Union, and Zenor—47.

So the bill did not pass.

Mr. Vater moved that the House adjourn.

Which was not agreed to.

House bill No. 268. "A bill for the preservation of Indiana battle flags, military trophies and relics.

Was read a second time, ordered to be engrossed, and passed to a third reading.

House bill No. 258, entitled "A bill to amend section twenty of an act entitled an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto;" approved March 5, 1859.

Was read a second time.

Mr. Pierce of Vigo moved that the bill be engrossed and passed to a third reading.

Which was not agreed to.

On motion the bill was laid on the table.

Mr. McFadin moved that the House do now adjourn.

Which was not agreed to.

House bill No. 125. "A bill to amend an act entitled an act to amend the 45th section of an act entitled an act to provide for the opening, vacating and change of highways;" approved March 5, 1867.

Was read a second time.

The amendments heretofore reported by the committee were read.

The report of the committee was concurred in and the amendments adopted.

The bill was then ordered to be engrossed and passed to a third reading.

House bill No. 216. An act to amend an act to enable owners of wet lands to drain and reclaim them where the same can be done without affecting the lands of others, prescribing the powers and duties of County Boards and County Auditors in the premises, and repealing all laws inconsistent therewith; approved March 11, 1867.

Was read a second time and ordered engrossed, and passed to a third reading.

House bill No. 145. "A bill to amend sections one, six and nine of an act entitled 'an act to incorporate the Lafayette Insurance Company;'" approved February 8, 1836, and declaring an emergency.

Was read a second time and ordered engrossed.

House bill No. 28, entitled "A bill to amend section one, two and five of an act entitled 'an act to create the eighteenth judicial circuit of the State of Indiana, and fixing the time of holding courts therein;'" approved March 1, 1867.

Was read a second time with amendments.

On motion by Mr. Crittenden the House adjourned.

TUESDAY, 7½ O'CLOCK, P. M.

The House met.

Mr. Cotton obtained leave of absence on account of sickness in his family.

The Speaker ordered a call of the House.

Those answering to their names were,

Messrs. Addison, Admire, Baker, Barnett, Bates, Beatty, Bobo, Bowen, Britton, Breckinridge, Carnahan, Chittenden, Coffroth, Cotton, Cox, Davidson, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kerchival, Logan, Long, McBride, McDonald, McFadin, Miller, Miles, Montgomery, Osborn, Overmeyer, Ratliff, Ruddell, Sabin, Shoeff, Skidmore, Sleeth, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—72.

On motion the further proceedings under the call was dispensed with.

The Speaker announced the following special committee on House bill No. 33.

Messrs. Osborn, Pierce of Vigo, and Coffroth.

SPECIAL ORDER FOR THE HOUR.

The hour having arrived for the consideration of House bill No 347, the same was taken up.

House bill No. 347, entitled "A bill to establish an Indiana Agricultural College in connection with the State University, and to provide for its organization and government."

Was read a second time with amendments proposed by the committee.

Mr. Osborn offered the following amendment:

Strike out the words "Bloomington," and "Monroe County," and "State University," wherever they occur.

On motion by Mr. Fuller the House adjourned.

WEDNESDAY MORNING, 9 o'CLOCK, }
 April 28, 1869. }

The House met.

Mr. Fuller moved to dispense with the reading of the journal.

Which was agreed to.

Mr. Fuller moved to suspend the order of business and take up the report of the special committee on House bill No. 347, for the location of the Agricultural College.

Messrs. Ruddell and Greene demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barnett, Barritt, Bates, Beatty, Bobo, Britton, Carnahan, Chapman, Davis of Floyd, Field of Lake, Field of Lagrange, Fuller, Hall, Hamilton, Hutson, Johnson of Marshall, Logan, Long, McBride, Miles, Overmyer, Skidmore, Stewart of Ohio, Sunman, Wile, Williams of St. Joseph, and Mr. Speaker—29.

Those who voted in the negative were,

Messrs. Baker, Bowen, Breckinridge, Cory, Cox, Gilham, Gordon, Greene, Higbee, Johnson of Parke, Kercheval, Lamborn, McDonald, McFadin, McGregor, Miller, Mitchell, Montgomery, Neff, Odell, Osborn, Pierce of Vigo, Ratliff, Ruddell, Shoaff, Sleeth, Stewart of Rush, Taber, Tebbs, Underwood, Vardeman, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Zenor and Zollars—39.

So the motion to suspend the order of business did not prevail.

Message from the Senate by Mr. Wilson, Secretary thereof :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed House bill No. 50, entitled "A bill to amend an act incorporating cities and towns;" and the same is herewith returned.

Mr. Field, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

Your Committee on Engrossed Bills, to whom was referred Engrossed House bill No. 257, have compared the same with the original bill and find the same correctly engrossed.

Mr. Underwood, from the Committee on Engrossed Bills, to whom was referred Engrossed House bill No. 208, have compared the same with the original, and find it correctly engrossed.

Mr. Zollars moved to suspend the order of business and take up, 1st, House bills on second reading, and 2d, House bills on third reading.

Mr. Coffroth moved to amend by substituting "Senate message containing House bill No. 62.

Which was not agreed to.

The question recurring on the motion made by Mr. Zollars,

It was not agreed to.

HOUSE BILLS ON SECOND READING.

House bill No. 166. "A bill requiring the publication of legal advertisements and notices to be made in German newspapers in certain cases."

Was read a second time, ordered to be engrossed, and passed to a third reading.

House bill No. 229. "A bill to prevent the destruction of wild and harmless birds, birds of song, insectorinous birds, and their nests and eggs, in this State, and fixing the penalty of the same."

Was read a second time, with amendments.

Mr. Hamilton moved to lay the bill and amendments on the table.

Which was not agreed to.

Mr. Williams of Knox moved that the report of the committee be concurred in, and the adoption of the amendments.

Which was agreed to, and, on motion, the bill was ordered to be engrossed.

House bill No. 142, entitled "A bill to amend an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement;" approved June 17, 1852.

Was read a second time and ordered to be engrossed for a third reading.

House bill No. 247. A bill to amend section 1 and 122 of an act approved March 11, 1861.

Was read a second time, with amendments.

Mr. Vater moved that the report of the committee be concurred in, and the adoption of the amendments.

Which was agreed to.

On motion, the bill was ordered to be engrossed for a third reading.

House bill No. 199. "A bill to prevent the spread of distemper among horses, and providing penalties therefor."

Was read a second time.

Mr. Dittmore moved to indefinitely postpone the bill.

Which was not agreed to.

The bill was then ordered to be engrossed, and passed to a third reading.

House bill No. 232. "A bill allowing an increased rate of toll on turnpike, plank, and gravel roads in certain cases, repealing conflicting laws, and declaring an emergency."

Was read a second time, ordered to be engrossed, and passed to a third reading.

Mr. Mitchell, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills beg leave to report that they have compared Enrolled Bill No. 40 with the original bill, and find it correctly enrolled.

House bill No. 266. "A bill creating the Board of Immigration, defining their duties and powers."

Was read a second time, with amendments heretofore reported by the committee.

Mr. Neff moved to concur in the report of the committee.

Which was agreed to.

The amendments were adopted, and the bill ordered to be engrossed and passed to a third reading.

House bill No. 231. "A bill defining a certain felony and misdemeanor and prescribing penalties therefor."

Was read a second time with amendments.

The question being on concurring in the report of the committee, and the adoption of the amendments,

It was agreed to.

The Speaker announced that he had signed enrolled act No. 40 of the House.

The Speaker ordered a call of the House.

Those who answered to their names were,

Messrs. Addison, Admire, Baker, Bates, Beeler, Bobo, Bowen, Britton, Breckinridge, Carnahan, Chapman, Chittenden, Coffroth, Cory, Davidson, Davis of Floyd, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Hutson, Higgins, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Lawler, Lamborn, Logan, Long, Mason, McDonald, McBride, Miller, Miles, Mitchell, Montgomery, Neff, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Underwood, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars, and Mr. Speaker—77.

On motion the further call was dispensed with.

House bill 181. A bill authorizing incorporated towns and civil townships to subscribe stock and make donations in aid of railroad companies.

Was read a second time.

Mr. Vater moved to amend by striking out the words "subscriptions or" wherever they occur.

Mr. Lamborn moved to lay the amendment on the table.

Which was agreed to, and the bill ordered to be engrossed.

House bill No. 148. "A bill in relation to the payment of costs in certain appeal cases, under the act in relation to public and private highways."

Was read a second time and ordered to be engrossed and passed to a third reading.

House bill No. 246. "A bill to enable railroad companies to issue bonds to sell them to cities, towns and counties, and to authorize cities, towns and counties to issue bonds with which to buy such railroad bonds."

Was taken up with amendments.

The question being on the adoption of the amendments.

It was agreed to

On motion the bill was ordered to be engrossed.

House bill No. 262. "A bill to amend sections 3 and 8 of an act to regulate the inspection of petroleum oils."

Was read a second time and ordered to be engrossed for a third reading.

Mr. Underwood from committee on engrossed bills made the following report :

MR. SPEAKER :

Your Committee on Engrossed Bills, to whom was referred engrossed House bill No. 159, have compared the same and find it correctly engrossed.

House bill 169. A bill to amend sections 2 and 22 of an act concerning enclosures, trespassing animals and partition fences; approved June 4, 1852, and to repeal sections 14 and 23 of said act and declaring an emergency."

Was read a second time with amendments.

Mr. Odell offered the following amendment:

SEC. ——. Any person who shall violate the provisions of this act shall be guilty of a misdemeanor, and upon conviction fined five dollars for the first offense, and one dollar for every day such violation is continued.

The question being on concurring in the report of the committee containing amendments,

It was agreed to and the amendments adopted.

On motion, the bill was ordered to be engrossed.

House bill No. 272. "An act authorizing the Governor to institute suits against railroad companies which have not paid the taxes due, and making an appropriation therefor, and declaring an emergency for the immediate taking effect of this act."

Was read a second time, and ordered to be engrossed for a third reading.

House Joint Resolution No. 11, in relation to a pension for the widow of the late General Hackelman.

Was read a second time.

Mr. Stewart of Rush moved to lay said joint resolution on the table.

Which was agreed to.

House bill No. 274. "A bill to authorize the issuing of arms and equipments to regularly incorporated military companies."

Was read a second time, and ordered to be engrossed.

House bill No. 275. "A bill to amend an act touching vacancies in office, and filling the same by appointments;" approved May 13, 1852.

Was read a second time and ordered to be engrossed.

House bill No. 276. "An act to authorize any person or persons owning a mill-race, or races, to enter upon adjacent lands and take therefrom such earth and gravel as may be necessary to repair such race or races, and paying a fair and reasonable compensation for the same."

Was read a second time and ordered to be engrossed.

Mr. Ruddell, from the Committee on Prisons, made the following report:

MR. SPEAKER:

Your Committee to whom was referred House bill No. 387, "A bill to provide for the government and discipline of the State Prisons, and for the oversight of county jails, and to repeal all other laws and parts of laws inconsistent herewith," have had the same under consideration, and recommend the following amendments:

Amend section 2 by making it read as follows:

SEC. 2. There shall be a State Board of Managers of Prisons consisting of three persons, to be appointed by the Governor, by

and with the consent of the Senate, one of whom shall hold his office for two years, and two for four years, from and after the first Thursday of February, 1869, and until their successors are elected and qualified. Every fourth year after the 1st day of March, 1869, there shall be two such managers appointed, and every fourth year after the 1st day of March, 1871, there shall be appointed one such manager, to hold their offices for four years, and until their successors are elected and qualified.

Amend section 6 by making it read as follows :

SEC. 6. The members of said Board shall receive as compensation for their services \$500 per year, each, payable quarterly, on a warrant of the Governor, out of the treasury of the State.

Amend said bill by prefixing the following to section 8 :

SEC. 8. No member of said Board, or officer or employee of either of the Prisons, shall be paid in more than one capacity, nor shall they be entitled to receive any perquisites in the shape of board, provisions, lights, carriages, horses, offal from the Prisons, or otherwise, either for themselves or families, unless the same shall be allowed by law; or shall be permitted to receive compensation, reward, or gift of any description, from contractors; and if any member of said Board, or officer or employee shall receive any such perquisite or any such compensation, reward or gift of any description, from any contractor, to promote the interests or advantage of such contractor, or shall make use of any property of any description belonging to either of such Prisons, for his own private purpose, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding \$500, and be imprisoned in the county jail not exceeding sixty days, and shall be discharged from office.

Amend section 10 by inserting after the word "necessary," in the 5th line, the following: "to enforce the most rigid discipline."

Amend section 13 by striking out the word "43d," in the 5th line, and inserting "42d" instead. And by striking out "53d," in the 6th line, and inserting "52d" instead.

Amend said bill by striking out the 15th section and inserting the following :

H. J. Ex. S.—19.

It shall be the duty of the Board of Managers to appoint a chaplain for each Prison, who shall be a minister of the Gospel in good standing in some one of the denominations of this State, who shall be competent to teach the ordinary branches of a common school education, and who shall reside in or near the Prison, and devote his whole time and ability to the welfare of the convicts confined therein, and shall instruct all the convicts who can not read and write, and such others as may desire to learn, and as the Board may think proper, under direction of said Board as to time and place; and shall have charge of the library belonging to the Prison.

Amend section 16 by striking out all of the last sentence in said section.

Amend said bill by striking out section 17.

Amend section 18 by striking out all of the last sentence in said section.

Which report was laid on the table.

House Bill No. 278. "A Bill to amend the title of an act concerning license to vend foreign merchandize, to exhibit any caravan, menagerie, circus, rope and wire-dancing, puppet shows and legerdemain."

Was read a second time, ordered to be engrossed and passed to a third reading.

House Bill No. 279. "An act to amend sections 3 and 4 of an act to regulate and license the sale of spirituous, vinous, malt, and other intoxicating liquors; to prohibit the adulteration of liquors; to repeal all former laws contravening the provisions of this act, and providing penalties for violations thereof, approved March 5, 1859.

Was read a second time.

Mr. Chapman moved that House bills 279, 101 and 288 be made the special order for Friday at 2 o'clock.

Mr. Wilson moved that House bill No. 279 be laid on the table.

Messrs. Wildman and Chapman demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Beatty, Beeler, Carnahan, Chapman, Furnas, Green, Johnson of Parke, Neff, Sunman, Williams of Union, Wilson and Zollars.—13.

Those who voted in the negative were,

Messrs. Addison, Admire, Bates, Bowen, Britton, Chittenden, Cofroth, Cox, Davidson, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Hall, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Lawler, Lamborn, Long, Mason, McBride, McDonald, McFadin, McGregor, Miller, Miles, Montgomery, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Tebbs, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, and Zenor.—61.

The question recurring on the motion by Mr. Chapman.

Mr. Stewart, of Rush, moved that the House hold a night session Thursday night for the purpose of considering the same.

Mr. Johnson, of Parke, moved to amend by making special order for May 12.

Mr. Hamilton moved to lay the amendments on the table,

Which was agreed to.

The question recurring on Mr. Chapman's motion,

It was agreed to.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the President of the Senate has signed House enrolled act No. 40 of the House, and the same is herewith transmitted.

House bill No. 281. A bill to apprehend and convict persons accused of having committed misdemeanors.

Was read a second time, ordered to be engrossed and passed to a third reading.

Mr. McFadin asked and obtained leave of absence from Friday until Wednesday next.

Mr. Logan asked and obtained leave of absence until Tuesday next.

Mr. Skidmore asked and obtained leave of absence from Friday until Thursday of next week.

House bill No. 282. "An act to amend the 98th section of an act to regulate the sale of swamp lands by the United States to the State of Indiana; and to provide for the draining and reclaiming thereof in accordance with the condition of said grant.

Was read a second time, and ordered engrossed for a third reading.

House bill No. 284. "A bill to legalize the proceedings of the Common Councils of cities in opening streets and alleys."

Was read a second time, ordered to be engrossed and passed to a third reading.

Mr. Stanton, by consent, offered the following resolution:

Resolved, That the journal of the House, when it recites that John H. Woodburn was elected Commissioner of the Hospital for the Insane, be corrected to read James H. Woodburn, that being the proper name of the person who was elected to that position.

Which was agreed to, and the Assistant Clerk ordered to make the correction.

House bill No. 286. "A bill to repeal an act entitled an act to amend an act, entitled "An act to authorize the removal of convicts from the Southern State Prison to the Northern State Prison; and providing for the employment of convicts in each of said prisons; directing what counties shall send their convicts to the Northern State Prison; and providing for carrying on the work in building

said Northern State Prison; and making an appropriation for the support of said prison. Approved June 1st, 1861, and March 11th 1859.

Read a second time and referred to Committee on Prisons.

Mr. Carnahan offered the following:

Resolved, That the consideration of House bill No. 347, locating the Agricultural College, in connection with the State University, be made the special order for 7 $\frac{1}{2}$ o'clock this evening.

Pending which

Mr. Wilson moved that the House do now adjourn,

Which was agreed to.

WEDNESDAY, 2 O'CLOCK, P. M.

The House met.

Pending the adjournment was the question on the adoption of the resolution offered by Mr. Carnahan, in reference to the location of the Agricultural College.

Mr. Ruddell offered the following resolution:

WHEREAS, In the printing of the evidence taken before Prison Investigation Committee, a mistake was made by printing, on the last page of said evidence the following memorandum, made by the Attorney, for the parties accused, viz: "Memorandum.—This evidence proved too much, and was suppressed by the Committee," therefore,

Resolved, That the Clerk of the House be requested to collect as many of such copies as may yet be in the possession of the members of the House, and Senate, and return the same to the State Printer for correction.

Which was agreed to.

Mr. Stephenson, from the Committee on engrossed bills, made the following report :

MR. SPEAKER :

The Committee to whom was referred House bill No. 268, with the original bill, find it correctly engrossed.

Mr. Chittenden offered the following resolution :

Resolved, By the House of Representatives, the Senate concurring, that there be a joint convention of the two Houses, in the Hall of the House, at 2 o'clock, P. M., on Thursday, the 29th inst., and that we proceed, without further debate, to locate the Agricultural College, by balloting for the various points named, and that the point receiving the lowest number of votes be dropped at each successive balloting, until some location receive a majority of all the votes cast, which point shall be the location of said College.

Mr. Zollars moved to lay the resolution on the table,

Which was agreed to.

Mr. Barritt moved to amend by saying 2 o'clock this afternoon

Mr. Zollars moved to lay the amendment on the table,

Which was agreed to.

The question recurring on the resolution offered by Mr. Carnahan.

Mr. Dittimore moved to lay the resolution on the table,

Which was agreed to.

Mr. McFadin moved to make the bill the special order for 2 o'clock to-morrow.

Mr. Dunn moved to amend by saying that the same be made the special order for 3 o'clock.

Mr. Dittmore moved to lay the motion on the table,

Which was agreed to.

Mr. Fuller offered the following resolution :

Resolved, 'That we now proceed to locate the Agricultural College, and for that purpose, the Clerk shall now proceed to call the roll of the members, and as each members name is called, he shall designate the place of his choice; and that no other business shall be in order, except a privileged one, until this House shall designate its choice of said location.

Mr. Hamilton moved the previous question,

Which was seconded by the House.

The question being, shall the main question be now put,

It was so ordered.

The question being on the amendment offered by Mr. Fuller,

It was agreed to.

The question being on the motion as amended,

Messrs. Stanton and Dittmore demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barnett, Barritt, Bates, Bobo, Bowen, Britton, Carnahan, Chapman, Chittenden, Coffroth, Cory, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dunn, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Hall, Hamilton, Higbee, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McBride, McGregor, Millekan, Miller, Miles, Mitchell, Odell, Overmyer, Palmer, Sabin, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Baker, Beatty, Breckinridge, Dittmore, Fairchild, Gordon, Greene, Higgins, Hutchings, McDonald, McFadin, Montgomery, Neff, Osborn, Pierce of Porter, Ratliff, Ruddell, Stanton, Vardeman, Vater, Williams of Knox, Williams of Union, Zenor and Zollars—24.

So the amendment was agreed to.

Mr. Coffroth moved to reconsider the vote by which the House adopted the resolution to go into the consideration of the location of the Agricultural College.

Mr. Britton moved to lay the motion to reconsider on the table.

Messrs. Stanton and Cory demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Admire, Barritt, Bates, Bobo, Bowen, Carnahan, Chittenden, Davidson, Davis of Floyd, Dunn, Field of Lake, Field of Lagrange, Fuller, Gilham, Hall, Hamilton, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Kercheval, Lawler, Logan, McBride, McGregor, Millekan, Miles, Overmyer, Skidmore, Smith, Stephenson, Stewart of Ohio, Sunman, Wildman, Williams of St. Joseph and Mr. Speaker—37.

Those who voted in the negative were,

Messrs. Addison, Baker, Barnett, Beatty, Beeler, Britton, Breckinridge, Chapman, Coffroth, Cory, Cox, Davis of Elkhart, Dittmore, Fairchild, Furnas, Gordon, Greene, Higbee, Higgins, Hutchings, Johnson of Parke, Lamborn, Long, Mason, McDonald, McFadin, Miller, Mitchell, Montgomery, Neff, Odell, Osborn, Palmer, Pierce of Porter, Ratliff, Ruddell, Sabin, Sleeth, Stanton, Stewart of Rush, Taber, Vardeman, Vater, Wile, Williams of Hamilton, Williams of Knox, Williams of Union, Wilson, Zenor and Zollars—50.

So the motion to lay on the table did not prevail.

The question recurring on the motion by Mr. Coffroth,

It was agreed to.

The question being on the amendment as amended by the proposition offered by Mr. Fuller,

Messrs. Stanton and Cory demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Admire, Barritt, Bates, Bobo, Carnahan, Chittenden, Davidson, Davis of Floyd, Dunn, Field of Lake, Field of Lagrange, Gilham, Hamilton, Higbee, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Logan, McBride, Milleken, Miller, Miles, Overmyer, Skidmore, Smith, Stewart of Ohio, Sunman, Vardeman, Wildman, Williams of St. Joseph and Mr. Speaker—36.

Those who voted in the negative were,

Messrs. Addison, Baker, Barnett, Beatty, Beeler, Bowen, Britton, Breckinridge, Chapman, Coffroth, Cory, Cox, Davis of Elkhart, Dittemore, Fairchild, Fuller, Furnas, Gordon, Greene, Hall, Higgins, Hutchings, Lamborn, Long, Mason, McDonald, McFadin, McGregor, Mitchell, Montgomery, Neff, Odell, Osborn, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Sleeth, Stanton, Stephenson, Stewart of Rush, Taber, Vater, Wile, Williams of Hamilton, Williams of Knox, Williams of Union, Wilson, Zenor and Zollars—52.

So the amendment was not agreed to.

The Speaker announced that he had signed Enrolled House bill No. 50.

Mr. Wildman moved to suspend the order of business for the purpose of allowing Mr. Fuller to introduce a resolution upon the subject of locating the Agricultural College.

Mr. Zollars moved to lay the motion on the table.

Messrs. Zollars and Vater demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Beeler, Bowen, Breckinridge, Cory, Dittemore, Field of Lagrange, Gilham, Gordon, Greene, Hig-

gins, Hutchings, Lamborn, Mason, McDonald, McGregor, Mitchell, Neff, Osborn, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Stewart of Rush, Sunman, Vater, Williams of Hamilton, Williams of St. Joseph, Williams of Union and Zollars—33.

Those who voted in the negative were,

Messrs. Barnett, Barritt, Bates, Beatty, Bobo, Britton, Carnahan, Chapman, Chittenden, Coffroth, Davis of Floyd, Dunn, Fairchild, Field of Lake, Fuller, Furnas, Hall, Hamilton, Higbee, Hutson, Hyatt, Johnson of Parke, Johnson of Montgomery, Johnson of Marshall, Jump, Lawler, Logan, Long, McBride, McFadin, Millekan, Miller, Miles, Montgomery, Odell, Overmeyer, Pierce of Porter, Shoaff, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Taber, Wile, Wildman, Williams of Knox, Zenor and Mr. Speaker—52.

So the motion to lay on the table did not prevail.

The question being on the motion to suspend the order of business,

It was agreed to.

Mr. Stephenson from the Committee on Engrossed Bills made the following report :

MR. SPEAKER :

Your Committee on Engrossed Bills report that they have compared engrossed House bill No. 219 with the original, and find the same correctly engrossed.

Mr. Mitchell from the Committee on Enrolled Bills made the following report :

MR. SPEAKER :

Your Committee on Enrolled Bills beg leave to report that they have compared enrolled House bill No. 50 with the original and find the same correctly enrolled.

Mr. Fuller offered the following resolution :

Resolved, That we now proceed to locate the Agricultural College, and that for that purpose the Clerk shall now proceed to call the roll of the members, and as each member's name is called he shall designate the place of his choice, and that no other business shall be in order, except a privileged one until this House shall designate its choice of said location; *Provided* that any member wishing to present the claims of any location for said location shall be allowed twenty minutes in which to do so before the roll is commenced.

Mr. Dunn offered the following as a substitute for the resolution offered by Mr. Fuller:

Resolved, That one member from each county of the State having a proposition before this Assembly in reference to the location of the Agricultural College be now allowed twenty minutes in which to discuss the question.

Resolved, further, That we then proceed to vote by ballot for the location of the Agricultural College; that after the second ballot the locality having the lowest number of ballots be rejected, and so on after each successive ballot until the House shall have agreed upon a locality.

Mr. Coffroth offered the following amendment:

Strike out of the amendment all that part which requires that the locality receiving the lowest number of votes shall be dropped.

Mr. Coffroth moved the previous question.

Which was seconded by the House.

The question being shall the main question be now put.

It was so ordered.

The question being on the amendment offered by Mr. Coffroth,

It was agreed to.

The question then being on the amendment offered by Mr. Dunn, as amended by the motion of Mr. Coffroth,

It was agreed to.

The question recurring on the resolution by Mr. Fuller, as amended,

It was agreed to.

Mr. Mitchell from the Committee on Enrolled Bills made the following report :

MR. SPEAKER :

Your Committee on Enrolled Bills beg leave to report that they have compared enrolled House bill No. 72 with the original bill in connection with the "engrossed Senate amendments thereto," and find the enrollment correctly made with the exception that the words "to exist" as they appear in the 6th section of the original bill have been omitted in the enrollment.

The Speaker announced that he had signed Enrolled Act No. 72 of the House.

Mr. Williams of Knox offered the following :

Provided, always, That should the Agricultural College be located at either of the points proposed, that it shall be upon condition that the county and citizens shall comply with the conditions proposed by them, otherwise the location to be null and void.

Which was agreed to.

Whereupon the House proceeded to vote by ballot for the location of the Agricultural College.

Messrs. Stephenson, Chittenden, Stewart of Ohio, and Tebbs were appointed tellers to take up and count ballots.

The Clerk proceeded to call the roll of members with the following result :

Whole number of votes cast, ninety. Of this number

Greenfield received.....	13 votes.
Greencastle received.....	3 votes.
Battleground received.....	29 votes.
Bloomington received.....	29 votes.
Indianapolis received.....	14 votes.
Franklin received.....	1 vote.
Clarksville received.....	1 vote.

No one place having received a majority of all the votes cast, the Speaker declared that there was no choice made.

The Clerk proceeded to call the roll for a second ballot with the following result:

Whole number of votes cast ninety. Of this number

Greenfield received.	6 votes.
Greencastle received.	2 votes.
Indianapolis received.	12 votes.
Bloomington received.	30 votes.
Battleground received.	40 votes.

No one place having received the requisite number of votes, the Speaker declared that there was no location made.

Mr. Davidson moved that the House do now adjourn.

Which was not agreed to.

The Clerk proceeded to call the roll for a third ballot, with the following result:

Whole number of votes cast ninety. Of this number

Indianapolis received.	11 votes.
Greenfield received.	2 votes.
Greencastle received.	2 votes.
Battleground received.	45 votes.

No one place having received a majority of all the votes cast the Speaker declared that there was no choice made for said location.

Mr. Mitchell moved that the House do now adjourn.

Which was not agreed to.

The Clerk proceeded to call the roll for the fourth ballot with the following result:

Indianapolis received.	8 votes.
Greenfield received.	1 vote.
Bloomington received.	27 votes.
Battleground received.	52 votes.

Tippecanoe county having received a majority of all the votes cast, it was declared the choice of the House for the location of the Agricultural College.

Message from the Senate by Mr. Wilson, the Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the President has signed House Enrolled Act No. 50, and the same is herewith returned.

On motion by Mr. Stewart of Ohio the House adjourned.

THURSDAY MORNING, 9 o'clock, }
 April 29, 1869. }

The House met.

Mr. Greene moved that the reading of the journal be dispensed with.

Which was not agreed to.

The Clerk proceeded to read the journal, when,

On motion by Mr. Ratliff, the further reading was dispensed with.

Mr. Stephenson, from the Committee on Enrolled Bills, made the following report :

MR. SPEAKER :

Your Committee on Enrolled Bills report that they have compared Engrossed Bills Nos. 125 and 234 with the original, and find the same correct.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed House bill No. 6, entitled "A bill providing for the location, construction, and use of lateral railroads, and for the assessment of damages occasioned by the location, construction, and use of the same." Also, that the President of the Senate has signed House enrolled bill No. 72, and the same is herewith returned to the House.

Mr. Stephenson, from the Committee on Engrossed Bills, submitted the following report :

MR. SPEAKER:

Your Committee on Engrossed Bills report that they have carefully compared Engrossed House bills Nos. 284, 232, 148, 262 and 199 with the original bills, and find them in all respects correctly engrossed.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Williams presented a claim of Messrs. Gutenberg & Co., for the *Daily Telegraph* furnished the House of Representatives, amounting to \$82 40.

Which was referred to the Committee on Claims without reading.

Mr. Mitchell, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills beg leave to report that they have compared Enrolled House bill No. 309 with the original bill, in connection with the Senate and House engrossed amendments thereto, and find the same correctly enrolled.

Your Committee would further most respectfully beg leave to report that the enrollment of said bill, covering as it does, fifteen pages of enrollment cap paper, has been executed, so far as the Committee have been able to discover, without a single mistake, without an erasure, without an interlineation, and without a blot. The Committee take this method of expressing their thanks to Judge J. J. Hayden, Principal Enrolling Clerk of the House, for his very great efficiency as an enrolling clerk, whose pride seems to be neatness and accuracy.

The Speaker announced that he had signed House Enrolled bill No. 309.

Mr. Dunn, from the Committee on the Judiciary, submitted the following report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred Senate bill No. 317, entitled "A bill providing against fraud and corruption in procuring divorces in the courts of this State, declaring the same a felony and providing a punishment therefor," have had the same under consideration, and respectfully recommend that it be indefinitely postponed.

Mr. Zollars moved that the report be laid on the table.

Which was agreed to.

Mr. Osborn, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred Senate bill No. 316, "A bill relative to residence of parties plaintiff, and regulating the service of summons on defendants in divorce cases, and repealing all laws in conflict therewith," have had the same under consideration, and submit the following amendment, to-wit: Strike out the last two lines of section 1, and insert in their stead these words, "residents of the State;" and when so amended respectfully recommend its passage.

Which report was laid on the table.

Mr. Dunn, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred Senate bill No. 255, "A bill to save pending suits affected by the passage of Act of 1865, and to repeal sections 43 and 44 of Will Law of 1852," have had the same under consideration and respectfully recommend its passage.

Which report was laid on the table.

Mr. Stephenson, from the Committee on the Judiciary, submitted the following report:

H. J. Ex. S.—20.

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 328, entitled "A bill to provide for the registration of births, marriages and deaths," have had the same under consideration and respectfully recommend that it be indefinitely postponed.

The report was concurred in, and the bill indefinitely postponed.

Mr. Field of Lake, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 293, "An act to amend section 1 of an act entitled 'An act providing for the election of county sheriffs, and prescribing some of their duties,' " have had the same under consideration, and submit the following amendments, to-wit :

Strike out the word "five" and insert the word "twenty," in the 8th line of the 1st section. Also, the "proviso" in the 2d section ; and when so amended respectfully recommend that it pass.

Which report was laid on the table.

Mr. Field of Lake, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 315, "An act to authorize the Boards of County Commissioners of this State to make appropriations and donations for the purposes therein mentioned," have had the same under consideration, and recommend its passage.

Which report was laid on the table.

Mr. Field of Lake, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 183, "A bill supplemental to an act entitled 'An act to

change Township Trustees, Trustees of incorporated towns, and Common Councils of incorporated cities, and to levy a tax for school purposes,'” approved March 9, 1867, have had the same under consideration, and recommend that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Ruddell from the Committee on State Prisons submitted the following report:

MR. SPEAKER:

Your Committee on State Prisons, to whom was referred House bill No. 286, entitled “A bill to repeal an act entitled an ‘act to authorize the removal of convicts from the Southern State Prison to the Northern State Prison, and providing for the employment of convicts in each of said Prisons, directing what counties shall send their convicts to the Northern State Prison, and providing for carrying on the work in building said Northern State Prison, and making appropriations for the support of said Prison;’” approved June 1, 1861; approved March 11, 1867, have had the same under consideration, and respectfully recommend its indefinite postponement.

Which report was concurred in and the bill indefinitely postponed.

Message from the Senate by Mr. Wilson, the Secretary thereof.

MR. SPEAKER:

The President of the Senate has signed House Enrolled Act No. 309, and the same is herewith returned to the House.

Mr. Lamborn from the Committee on Swamp Lands made the following report:

MR. SPEAKER:

Your Committee on Swamp Lands, to whom was referred Senate bill No. 270, “A bill to provide for the payment of certain claims for ditching swamp lands out of the general Swamp Land Fund, beg leave to report the same back, and recommend its passage.

Which was laid on the table.

Mr. Barrett by consent presented a claim of Margaret Russell, Executrix of Nicholas Russell, deceased, for \$2,651 00, for damages occasioned by soldiers in Camps Carrington and Shanks during the years 1863, 1864 and 1865.

Which was referred to the Committee on Claims without reading.

Mr. Sabin from the Committee on Claims, made the following report :

MR. SPEAKER :

Your Committee on Claims to whom was referred the claim of Thomas A. Whitten for \$200, expenses paid out for the arrest of one Scott, a horse thief, have had the same under consideration, and have instructed me to report the same back to the House and recommend that the same be not allowed.

Which report was concurred in.

Mr. Sabin from the Committee on Claims made the following report :

MR. SPEAKER :

Your Committee on Claims, to whom was referred the claim of R. D. Staler for \$21 60, mileage and per diem while in attendance as a witness before the Committee on Arbitrary Arrests, at the session of 1863, have had the same under consideration, have instructed me to report the same back, recommend its allowance, and that it be placed in the Specific Appropriation bill.

The question being on concurring in the report, and no quorum voting, Messrs. Sabin and Vater demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bobo, Breckinridge, Chapman, Chittenden, Cory, Cox, Davidson, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Parke, Johnson of Marshall,

Jump, Lawler, Lamborn, Long, Mason, McBride, McDonald, McGregor, Millekan, Miller, Miles, Montgomery, Palmer, Piece of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stanton, Stewart of Ohio, Sunman, Taber, Tebbs, Underwood, Vardeman, Wile, Wildman, Williams of Knox, Williams of Union and Zenor—65.

Those who voted in the negative were,

Messrs. Britton, Carnahan, Davis of Elkhart, Gordon, Greene, Hamilton, Johnson of Montgomery, Neff, Osborn, Overmyer, Stephenson, Stewart of Rush, Vater, Welborn, Williams of Hamilton, Wilson, Zollars and Mr. Speaker—20.

So the report was concurred in and the claim allowed.

Mr. Ratliff, by consent, offered the following resolution :

Resolved, That J. H. Ruddell, E. C. Field, J. Lamborn, C. R. Cory, H. G. Davis, S. J. Barritt and W. Y. Monroe, be allowed \$35 each, for visiting and inspecting the State Prison North, and State Prison South, to pay necessary expenses.

Which was referred to the Committee on Claims without reading.

Mr. Underwood, from the Committee on Insurance, made the following report :

MR. SPEAKER :

Your Committee on Insurance have had under consideration House bill No. 376, entitled "A bill to incorporate Life Insurance Companies, to make certain provisions concerning contracts of Life Insurance, to regulate the agencies of Foreign Life Insurance Companies doing business, repealing all laws in conflict with this act, and declaring an emergency," and have ordered it to be reported back and recommend its passage.

Which report was laid on the table.

Mr. Miles, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER:

The Committee on Engrossed Bills, to whom was referred House bills Nos. 281, 276 and 181, have compared the same with the original on file, and find that said bills are correctly engrossed.

Mr. McGregor, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills, to whom was referred House bills Nos. 79 and 325, have compared the same with the original, and find that said bills are correctly engrossed.

Mr. Underwood, from the Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have compared House bill No. 266 with the original, and find it correctly engrossed.

Mr. Underwood, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills, to whom was referred engrossed House bills Nos. 247 and 275, have compared the same with the originals, and find them correctly engrossed.

Mr. Welborn in the chair.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 170, "A bill to provide for the assessment and collection of taxes for municipal purposes on the shares of stock owned in banks or banking associations,"

The same was taken up.

Mr. Stewart of Ohio moved that the House now proceed to the consideration of the same.

Mr. Johnson of Parke moved to lay the motion by Mr. Stewart on the table.

Messrs. Johnson of Parke and Buskirk demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Bobo, Bowen, Calvert, Carnahan, Chapman, Chittenden, Fairchild, Field of Lagrange, Gilham, Hall, Hamilton, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Lamborn, Long, Miller, Millekan, Osborn, Ratliff, Ruddell, Sunman, Underwood, Vater, Welborn, Wildman, Williams of St. Joseph, Williams of Union, Zollars and Mr. Speaker—33.

Those who voted in the negative were,

Messrs. Admire, Barritt, Beatty, Beeler, Britton, Breckinridge, Cory, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Field of Lake, Fuller, Gordon, Greene, Higbee, Hyatt, Johnson of Montgomery, Kercheval, Lawler, Mason, McBride, McDonald, McFadin, McGregor, Miles, Montgomery, Neff, Odell, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Tebbs, Taber, Vardeman, Wile, Williams of Hamilton, Williams of Knox and Zenor—49.

So the motion to lay on the table did not prevail.

Mr. Underwood, from the Committee on Engrossed Bills, submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills, to whom was referred engrossed House bills Nos. 246 and 222, have carefully compared them with the original bills, and find them correctly engrossed.

The House then proceeded to the consideration of said bill.

House bill No. 170, having previously been read a third time,

The question being, shall the bill pass?

On motion by Mr. Osborn, Mr. Pierce of Vigo was added to the Special Railroad Committee.

The Special Committee on examining the geological cabinet of the late David Dale Owen, asked and obtained leave of absence from to-morrow until Tuesday next.

Pending the consideration of House bill No. 170,

On motion by Mr. Tebbs, the House adjourned.

THURSDAY, 2 O'CLOCK, P. M.

The House met.

Mr. Williams of Knox moved to reconsider the vote by which House bill No. 157, "A bill to regulate the publication of legal advertisements," was indefinitely postponed.

Which was agreed to.

Mr. Williams of Knox moved that House bill No. 157 be referred to the Committee on the Judiciary.

Which was agreed to.

Mr. Miles, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

The Committee on Engrossed Bills, to whom was referred House bills Nos. 274 and 166, have compared the same with the original bills on file, and find that they are correctly engrossed.

Pending the adjournment, was the consideration of House bill No. 170.

The question being, shall the bill pass ?

Mr. Tebbs, from the Committee on Engrossed Bills, submitted the following report :

MR. SPEAKER :

The Committee on Engrossed Bills have carefully compared engrossed House bill No. 231, entitled "A bill defining certain misdemeanors, and prescribing penalties therefor," with the original bill, and find it in all respects correctly engrossed.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has had under consideration the message of the House, reporting the disagreement of the House to Senate engrossed amendments to House bill No. 90 ; and that the Senate insists on its amendments thereto, and asks a conference on said bill and amendments.

The Speaker announced the following Conference on the part of the House on House bill No. 90 :

Messrs. Welborn, Wilson and Overmyer.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed engrossed House bill No. 7, entitled "A bill to authorize foreign guardians to take possession of, sue for, or receipt for, any personal property or assets of their wards in this State," and the same is herewith returned to the House.

Mr. Stephenson, from the Committee on Engrossed Bills made the following report :

MR. SPEAKER :

Your Committee on Engrossed Bills report that they have compared engrossed House bills Nos. 231, 278, 282 and 145, with the originals, and find the same correct.

Mr. Mitchell, from the Committee on Enrolled bills, submitted the following report :

MR. SPEAKER :

Your Committee on Enrolled Bills have carefully compared enrolled House bill No. 6 with the original, and find it in all respects correctly enrolled.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER :

The President of the Senate has signed enrolled House bill No. 6, and the same is herewith returned to the House.

Mr. Wildman moved the previous question, which was seconded by the House.

The question being, shall the main question be now put ?

It was agreed to.

The question recurring on the passage of House bill No. 170,

Those who voted in the affirmative were,

Messrs. Admire, Barritt, Bates, Beeler, Bobo, Britton, Calvert, Carnahan, Chapman, Cory, Cox, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Field of Lake, Fuller, Furnas, Greene, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Marshall, Kercheval, Lawler, Long, Mason, McBride, McDonald, McFadin, McGregor, Miller, Miles, Mitchell, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Ratliff, Ruddell, Shoaff, Skidmore, Sleeth, Stewart of Ohio, Tebbs, Vater, Welborn, Wile, Williams of Hamilton, Williams of Knox, Wilson, Zenor and Zollars—55.

Those who voted in the negative were,

Messrs. Baker, Barnett, Beatty, Bowen, Breckenridge, Davidson, Fairchild, Field of Lagrange, Gilham, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Jump, Lamborn, Millekan, Pierce of Vigo, Sabin, Smith, Stanton, Stewart of Rush, Sun-

man, Taber, Vardeman, Wildman, Williams of St. Joseph and Mr. Speaker—29.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate thereof.

Mr. Kercheval asked and obtained leave of absence until Monday next.

Mr. Johnson of Parke asked and obtained leave of absence until Monday next.

Mr. McDonald moved to reconsider the vote by which House bill No. 175 was indefinitely postponed.

Which was agreed to.

On motion by Mr. Barritt, the House adjourned.

MONDAY AFTERNOON, 2 O'CLOCK, }
 May 3, 1869. }

The House met.

By consent the reading of the Journal was dispensed with.

Mr. Osborn by consent introduced House bill No. 390. "A bill declaring the meaning of certain words and the proper construction thereof in the 1st section of an act authorizing the assessment of all lands within one and one-half miles on either side, &c."

Which was read a first time and passed to a second reading.

Mr. Ruddell by consent introduced House bill No. 391, entitled "A bill to amend section 4 of an act entitled 'an act authorizing the construction of plank, macadamized and gravel roads;'" approved May 12, 1852.

Which was read a first time and passed to a second reading.

Mr. Johnson of Parke, from the Special Committee on House bill 153, by consent submitted the following report:

MR. SPEAKER:

Your Special Committee, to whom was referred House bill No. 152, entitled "A bill to repeal all laws providing that not more than five acres of land shall be subject to State and County tax within a city subject to taxation for city purposes, have had the same under consideration, and recommend the following amendment:

Strike out all after the enacting clause and insert the following:

SECTION 1. That all lands embraced within the corporate limits of any incorporated town or city that may be subject to taxation for State or County purposes, shall be subject to taxation for town

and city purposes by such town or city, where the same is situated; *Provided*, That the provisions of this act shall not apply to any territory or land annexed to any city by resolution of Common Council, without consent of the owner thereof, or of the County Commissioners, where such land has not been platted as an addition to the city with streets and alleys; *Provided, further*, that any person owning in such town or city, and using the same for agricultural or horticultural purposes, shall not be compelled to pay taxes to such town or city on more than twenty acres of land so used; *Provided*, That in selecting such twenty acres of land to be so taxed, the town or City Appraiser shall select the most valuable portion thereof.

SEC. 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

Which was laid on the table.

Mr. Long moved to suspend the order of business and take up Senate bill No. 51.

Which was agreed to.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Senate bill No. 51, entitled "An act to amend section nine (9), and repealing part of an act entitled 'An act concerning partition of lands;'" approved May 20, 1852. In which the concurrence of the House is requested.

Engrossed Senate bill No. 51. "A bill to amend section 9, and repealing part of an act entitled 'an act concerning partition of lands;'" approved May 20, 1852.

Was read a first time and passed to a second reading.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed House bill No. 64, entitled "A bill defining what counties shall constitute the twelfth Judicial District, and fixing the time of holding courts therein, with the following engrossed Senate amendments thereto, to-wit:

Engrossed Senate amendments to House bill No. 64.

Strike out the word "January" in the 5th line of the 2d section, and insert the word "February."

Strike out the word "first" in the 6th line of said 2d section, and insert the word "third."

Strike out the word "third" in the 8th line of said 2d section and insert the word "first."

Strike out the word "February" in the 15th line of said 2d section, and insert the word "January."

Strike out the word "third" in the 16th line of said 2d section, and insert the word "first."

Strike out the word "third" in the 19th line of the said 2d section, and insert the word "second."

Insert after the word "terms," in the 10th line of said 2d section the following:

"Or longer in the discretion of the court."

And to said 2d section the following:

"And provided, further, that if business pending in said court in the county of Marion, at any term, shall not be disposed of at the time fixed for holding the court in the county of Hendricks, the said court in the county of Marion may be adjourned for the period of two weeks, when the business in said court shall be resumed as if no adjournment had been made."

Also, strike out the word "March" in the 11th line of the 5th section, and insert the word "July."

The question being on concurring in the amendments by the Senate,

It was agreed to.

HOUSE BILLS ON SECOND READING.

House bill No. 293. "A bill to amend section 16 of an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto; approved March 5, 1859.

Was read a second time, ordered to be engrossed, and passed to a third reading.

House bill No. 296. "A bill to amend the eleventh section of an act entitled 'an act to establish a House of Refuge for the correction and reformation of Juvenile offenders; approved March 8, 1867, and to make other provisions in relation to said institution.

Was read a second time and ordered engrossed.

House bill No. 300. "An act to provide for the publication of the proceedings of County Commissioners in at least two newspapers of the county, and declaring an emergency."

Was read a second time and ordered engrossed for a third reading.

House bill No. 302. "A bill to provide for the draining of swamp lands in the State of Indiana."

Was read a second time, ordered to be engrossed, and passed to a third reading.

House bill No. 304. "A bill declaring all section lines to be open as public highways."

Was read a second time.

Mr. Higgins moved that said bill be indefinitely postponed.

Which was agreed to.

House bill No. 305. "A bill to amend the 43d clause of section 53 of an act entitled 'an act to repeal all general laws now in force for the incorporation of cities, and provide for the incorporation of

cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto;” approved March 14, 1867.

Was read a second time, ordered to be engrossed and passed to a third reading.

House bill No 329. A bill to amend sections 7 and 49 of an act entitled “An act providing for the settlement of decedents’ estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement.”

Was read a second time, and ordered to be engrossed for a third reading.

House bill No. 163. “A bill to prevent the erection or maintenance of a nuisance on any lands, or adjoining lands, belonging to the State.

Was read a second time, with amendments.

The question being on concurring in the amendments,

It was agreed to, and the bill ordered to be engrossed for a third reading.

House Joint Resolution No. 13. A joint resolution for the relief of Martha Toombs, of Scott County, Indiana.

Was read a second time, ordered to be engrossed, and passed to a third reading.

House bill No. 245. “A bill to amend section 3 of an act authorizing the construction of plank, macadamized and gravel roads, and empowering the same to make sale of a portion of their roads;” approved February 23, 1855, and repealing all laws inconsistent therewith.

Was read a second time, and made a special order for Wednesday next, at 10 o’clock, A. M.

House bill No. 340. “A bill to make appropriations for certain purposes, and upon certain conditions therein expressed.”

Was taken up, and, on motion, laid on the table.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed engrossed House bill No. 322, entitled "A bill to enable railroad companies which have formed articles of association, naming the place from and to which the proposed roads are to be constructed, to perfect their lines by connections, to preserve their franchises, and to define the extent, character and privileges of the same," with the following engrossed Senate amendments:

Add to section 3 the words, "*Provided*, that a consolidation, either temporary or permanent, effected under the first section of this act with any railroad company whose bridges are occupied, or where a right by law exists to so use and occupy by any other company, shall not in any manner affect the right therein vested or secured by any act heretofore passed upon that subject."

Also, in the last line of section 4, insert the word "general" between the words "any" and "law."

Add after the word "State," in the last line of said section, "not inconsistent with the provisions of this act."

The question being on agreeing to the amendments,

It was agreed to.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed House bill No. 388, entitled "A bill to authorize the President of the State Board of Agriculture to fill vacancies in the offices of Secretary, Treasurer, or Superintendent of the State Board of Agriculture, and declaring an emergency." Also, that the President has signed Enrolled bill of the Senate No. 338, entitled "An act defining what counties shall constitute the Tenth Judicial Circuit, and fixing the times of holding the courts therein;" which is herewith transmitted for the signature of the Speaker.

H. J. Ex. S.—21.

Also, that the President has signed Enrolled bill No. 7 of the House, and the same is herewith returned to the House.

House bill No. 277. "A bill to allow partnerships to bring and maintain suits in their adopted names, in certain cases."

Was taken up and indefinitely postponed.

House bill No. 298. "A bill enabling swamp land commissioners to select swamp lands, and receive the same in payment for services hereafter rendered as such commissioner or engineer, and prescribing the manner in which such selections and entries shall be made.

Was read a second time and ordered to be engrossed.

House bill No. 317.

Was read a second time with amendments heretofore reported, and, on motion, laid on the table temporarily.

The Speaker announced that he had signed House bill No. 338.

House bill No. 299, entitled "A bill to amend section 87 of an act entitled 'An act to amend sections 1, 7 and 12 of an act entitled 'An act to authorize the construction of levies and drains ;'" approved June 12, 1852, and supplemental thereto.

Was read a second time and ordered to be engrossed.

House bill No. 318. "A bill to amend section 3 of an act providing for the election, and prescribing certain duties of county surveyors ;" approved June 17, 1852.

Was read a second time, and the amendments heretofore reported by the committee were read and adopted.

The report of the Committee was concurred in, the bill ordered to be engrossed, and passed to a third reading.

House bill No. 154. "A bill to authorize Boards of Commissioners of the several counties in this State, to levy taxes for the purpose of making subscription to the capital stock of any railroad company, and providing for the collection of such taxes and the

subscription of such stock, and declaring an emergency for the passage thereof."

Was read a second time, with amendments.

Mr. Bobo moved to concur in the amendments.

Which was agreed to.

Mr. Mitchell, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:

The Committee on Enrolled Bills have carefully compared enrolled House bills Nos. 132 and 338 with the engrossed bills and find them in all respects correctly enrolled.

House bill No. 349. "A bill to amend an act to fix the time of holding Circuit Courts in the Ninth Judicial Circuit, and repealing all laws inconsistent therewith;" approved February 15, 1859.

Was read a second time.

Mr. Davidson moved to amend by allowing "Fulton county two weeks if the business so long require it."

Which was agreed to.

The bill was then ordered to be engrossed, and passed to a third reading.

House bill No. 379. "A bill relative to the estates of minor heirs."

Was read a second time, ordered to be engrossed, and passed to a third reading.

House Joint Resolution entitled "A Joint Resolution for creating another judicial district for the District Court of the United States in Southern Indiana."

Was read a second time, and, on motion, laid on the table.

House Joint Resolution No. 15, entitled "A Joint Resolution requiring the State Printer to print 15,000 copies of the laws con-

cerning decedents' estates and the duties of guardians, and prescribing the mode of distributing the same."

Was read a second time.

Mr. Johnson of Parke offered the following amendment:

Insert in the proper place, "five hundred copies of which shall be in German."

Mr. Williams of Union offered the following amendment:

Insert in lieu of "State Printer, "Secretary of State." Also, "in pamphlet form."

Mr. Williams of Hamilton moved that the bill and amendments be recommitted to the Committee on the Judiciary.

Which was agreed to.

Message from the Governor by Mr. Commons, his Private Secretary:

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, May 3, 1869. }

MR. SPEAKER:

I am directed by the Governor to respectfully inform the House that Enrolled act of the House No. 65 entitled "An act amending section 15 of an act entitled 'An act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes, approved May 20, 1852, and declaring the meaning of the word 'annually,' as used in the 13th section of said act," was presented to him on the 27th day of April, 1869, and not having been acted upon within three days after its presentation, the same took effect on the 30th day of April, 1869, and has been deposited in the office of the Secretary of State.

JOHN M. COMMONS, *Private Secretary*.

House bill No. 371. "A bill to amend an act entitled 'An act to provide for the opening, vacating and change of highways;" approved June 17, 1852.

Was read a second time, ordered to be engrossed and passed to a third reading.

House bill No. 386. "A bill defining certain felonies, and prescribing punishment therefor."

Was read a second time, ordered to be engrossed and passed to a third reading.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the President of the Senate has signed the following enrolled bills of the House, to-wit: Enrolled House bill No. 132, and enrolled House bill No. 388, which are herewith returned.

House bill No. 373. "A bill providing for the vacation of highways and streets, and certain portions of either, and also for the opening of the same.

Was read a second time, with amendments.

Mr. Johnson of Parke moved to recommit to the Committee on the Judiciary.

Which was agreed to.

House bill No. 212. "A bill to amend section 1 of an act fixing the pay of members of the General Assembly;" approved March 4, 1865.

Was read a second time.

Mr. Long moved to indefinitely postpone the bill.

Mr. Ratliff moved to lay the bill on the table.

Which was agreed to.

House bill No. 313. "A bill to amend an act entitled 'an act regulating prosecutions in case of bastardy, and providing for the support of illegitimate children;'" approved May 6, 1852.

Was read a second time with amendments reported heretofore by the committee.

The question being on concurring in the report and adoption of the amendments,

It was agreed to.

Mr. Bobo offered the following amendment :

Strike out "three months" and insert "six months" in lieu thereof.

Mr. Johnson of Parke offered the following :

Amend the amendment by striking out "six" and inserting in lieu thereof "nine."

Mr. Zenor moved to lay the amendment on the table.

Which was agreed to.

Mr. Neff offered the following amendment :

Provided, That the provisions of this act shall not be extended to any person now in jail on charge of bastardy.

Mr. Stewart of Ohio moved to lay the amendment on the table.

Which was agreed to.

Mr. Neff moved to lay the bill on the table.

Which was not agreed to.

The question recurring on the engrossment of the bill,

It was so ordered.

House bill No. 351, entitled "A bill to amend section 3 of an act entitled 'an act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith;'" approved March 5, 1859.

Which was read a second time and ordered engrossed for a third reading.

House bill No. 349. "A bill to amend an act to fix the time of holding the Circuit Courts in the ninth Judicial Circuit, and repealing all laws inconsistent therewith;" approved February 15, 1859.

Was read a second time and passed to a third reading.

House bill No. 353 was taken up and on motion was laid on the table temporarily.

House bill No. 306. "A bill fixing the per diem and mileage of members of the General Assembly, pay of the Secretary of the Senate, the Clerk of the House of Representatives, the Doorkeeper of the Senate and House, the Clerks of the Committees of the two Houses, declaring who shall preside in organizing the Senate in the absence of the Lieutenant Governor, who shall preside in organizing the House of Representatives, defining certain duties of the State Librarian in connection with said organization, repealing all laws in conflict with this act, and declaring when this shall take effect.

Was read a second time with amendments.

Mr. Pierce of Porter moved to lay the bill on the table temporarily.

Which was agreed to.

House bill No. 361, entitled "A bill to enable railroad companies which have formed articles of association, naming the counties through which said railroads are to pass, to perfect their organization."

Was read a second time and ordered engrossed for a third reading.

House bill No. 370. "A bill to amend section 103 of an act entitled 'an act to provide for a general system of common schools, the officers thereof, and their especial duties and powers and matters properly connected therewith, and the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith;'" approved March 11, 1861.

Was read a second time and ordered engrossed.

House bill No. 330. "A bill to abolish the office of City Assessor and Appraiser, transfer the duties to the City Treasurer, and providing the mode of performing their duties, and repealing all their acts."

Was read a second time.

Mr. Odell offered the following amendment:

Add after the word "city" where it occurs, the words "and towns."

On motion the bill and amendments were laid on the table temporarily.

House bill No. 122, entitled "A bill requiring the State Printer to fix the cost of printing and binding all documents, books, bills, and other papers on the title page thereof, and declaring an emergency.

Was read a second time.

Mr. Pierce of Porter moved that the bill lie on the table for the present.

Which was agreed to.

Mr. Ratliff moved to make House bill No. 325 the special order for to-morrow at 3 o'clock.

Which was not agreed to.

House bill No. 356, entitled "A bill to enable occupants of lands not surveyed by the United States and batteries upon lakes to hold and improve the same."

Was read a second time and laid on the table temporarily.

House bill No. 220, entitled "A bill to authorize the amendment of bills of exception in certain cases therein mentioned."

Was read a second time and laid on the table temporarily.

House bill No. 175. "A bill to provide for special terms of the courts of this State, to settle issues and preliminary and interlocutory motions and orders in actions pending therein, and to prepare for the trial of said actions, and declaring an emergency."

Was read a second time and ordered engrossed.

Having previously been read a second time the same was taken up.

The question being on the engrossment of the bill,

It was so ordered.

House bill No. 171, entitled "A bill to amend section 8 of an act providing for the election of Clerks of the Circuit Courts, and prescribing some of their duties ;" approved June 7, 1852.

Was read a second time, amendments adopted, and ordered engrossed.

House bill No. 375, entitled "A bill to amend section 29 of 'an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases.'"

Was read a second time and ordered engrossed.

House bill No. 314, entitled "A bill to amend an act entitled 'an act providing for the settlement of decedents estates, prescribing the rights, liabilities and duties of officers connected therewith, the management thereof, and the heirs thereto, and certain forms to be used in such settlements ;'" approved June 17, 1852.

Was read a second time and ordered engrossed.

House bill No. 312. "A bill making it a misdemeanor to charge a female with unchastity, prescribing the punishment therefore, and declaring an emergency."

Was read a second time and ordered engrossed.

House bill No. 384. "A bill concerning deeds to schools, Saline, University, Sinking Funds and other lands belonging to the Trust Fund of the State, and legalizing certain deeds heretofore made for such.

Was read a second time and ordered engrossed.

Mr. Cox moved that the House do now adjourn.

Which was not agreed to.

House bill No. 287. "A bill to amend the 146th section of an act entitled 'An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.'"

Was read a second time, ordered to be engrossed and passed to a third reading.

House bill No. 380. "A bill to amend section 27 of an act entitled 'An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fee for certain officers therein named, for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith and providing penalties therein prescribed ;' " approved March 6, 1865.

Was read a second time.

Mr. Ratliff offered the following amendment :

Amend by inserting after the words " donate " or " sell," "or shall refuse to lease for school purposes said site for building."

Which was agreed to.

On motion, the bill was ordered to be engrossed.

House bill No. 387. "A bill to provide for the government and discipline of the State Prisons, and for the oversight of county jails, and to repeal all other laws and parts of laws inconsistent therewith."

Was taken up and laid on the table.

House bill No. 315. "A bill to authorize the Boards of County Commissioners of the several counties of this State to make appropriations and donations for the purposes therein mentioned."

Was read a second time.

Mr. Cotton moved to lay the bill on the table.

Which was agreed to.

House bill No. 292. "A bill to amend section 1 of an act entitled 'An act providing for the election of county sheriffs, and prescribing some of their duties.'"

Was read a second time, with amendments.

The question being, on the adoption of the amendments,

It was agreed to, and the bill ordered to be engrossed.

Mr. Stephenson, by leave, introduced

House bill No. 392, entitled "A bill to authorize the Clerk of the Supreme Court of the State of Indiana, to have the papers on file in his office, and the books and records of said office indexed, allowing a compensation therefor, and declaring an emergency."

Was read a first time, and referred to the Committee on the Judiciary.

Mr. Ruddell, by leave, offered the following concurrent resolution:

Resolved, The Senate concurring, that the Secretary of State shall cause to be printed and distributed to the several counties of the State, 10,000 copies of the Road Laws, in pamphlet form, for the use of supervisors.

Which was agreed to.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Neff, by consent, introduced

House bill No. 393. "A bill to amend section 601 of an act entitled 'An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity;'" approved June 18, 1852.

Was read a first time, and referred to the Committee on the Judiciary.

Mr. Miles moved that the House do now adjourn.

Which was agreed to.

TUESDAY MORNING, 9 O'CLOCK, }
 May 4, 1869. }

The House met.

The Speaker being absent,

On motion by Mr. Neff, Mr. Ratliff was called to the chair.

The Clerk proceeded to read the journal, when,

On motion by Mr. Stewart of Rush, the further reading was dispensed with.

Mr. Underwood, from the Committee on Engrossed Bills, submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have carefully compared engrossed House bill No. 298, with the original bill, and find it in all respects correctly engrossed.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 161, the same was taken up with pending amendments.

The question being, on the adoption of the amendments,

It was agreed to.

Mr. Cory moved to reconsider the vote just taken on the adoption of the amendments.

Mr. Chittenden moved to lay the motion on the table.

Messrs. Cory and Cox demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Beatty, Beeler, Breckinridge, Chapman, Chittenden, Cotton, Davidson, Dunn, Fairchild, Field of Lagrange, Fuller, Gilham, Gordon, Hall, Hamilton, Higbee, Higgins, Hutchings, Hyatt, Johnson of Parke, Johnson of Marshall, Jump, Lamborn, Logan, McGregor, Millekan, Miller, Mock, Neff, Osborn, Overmyer, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Vardeman, Vater, Williams of Hamilton, Williams of St. Joseph, Williams of Union and Wilson—52.

Those who voted in the negative were,

Messrs. Addison, Admire, Barnett, Bobo, Britton, Carnahan, Cave, Cory, Cox, Greene, Hutson, Johnson of Montgomery, Long, McDonald, Miles, Palmer, Sunman, Tebbs, Underwood, Williams of Knox and Zenor—21.

So the motion to lay on the table prevailed.

On motion, the amendments were considered engrossed.

House bill No. 161. "A bill to provide for the organization of Savings Banks, and the safe and proper management of their affairs."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bobo, Breckinridge, Calvert, Chapman, Chittenden, Cory, Cotton, Davidson, Davis of Elkhart, Fairchild, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Lamborn, McDonald, Millekan, Miller, Mitchell, Mock, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Stanton, Stephenson, Stewart of Ohio, Taber, Underwood, Vardeman, Williams of Hamilton, Williams of St. Joseph, Williams of Union and Zenor—51.

Those who voted in the negative were,

Messrs. Addison, Admire, Britton, Carnahan, Cave, Cox, Dunn, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McGregor, Miles, Montgomery, Neff, Palmer, Smith, Sunman, Tebbs, Vater, and Williams of Knox—23.

So the bill passed.

The question being shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

The Speaker announced that he had signed Senate Enrolled Acts Nos. 83 and 84.

Message from the Senate by Mr. Wilson, the Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the President has signed the following enrolled acts of the Senate, to-wit:

Enrolled act No. 83 of the Senate, entitled "An act to amend section 2 of an act entitled 'an act making the register of sales of the Michigan Road lands, and certified copies of entries therein evidence, and declaring the effect thereof, and making the records and patents, and certificates of purchase and other evidence in writing of the sale of real estate, and certified copies of such records, evidence, and declaring the effects thereof;'" approved March 9, 1859.

Also, enrolled act No. 84 of the Senate, entitled "An act to repeal section 31 of an act entitled 'an act concerning real property, and the alienation thereof;'" approved May 6, 1852, and the same are herewith transmitted for the signature of the Speaker.

Mr. Mitchell from the Committee on Enrolled bills, made the following report:

MR. SPEAKER:

Your Committee on Enrolled bills beg leave to report that they have compared enrolled House bill No. 322 with the engrossed bill and find it correctly enrolled.

HOUSE BILLS ON SECOND READING.

Engrossed House bill No. 79. "A bill to provide for the erection and repair of bridges, to repeal all laws inconsistent therewith."

Was read a third time.

The question being shall the bill pass?

Mr. Chittenden moved that the bill lie on the table for the present.

Which was not agreed to.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Beaty, Beeler, Britton, Breckinridge, Carnahan, Cave, Chapman, Chittenden, Cory, Davis of Elkhart, Fairchild, Field of Lagrange, Gilham, Hall, Higgins, Hutchings, Hutson, Hyatt, Johnson of Parke, Lamborn, Long, McDonald, McGregor, Millekan, Miller, Mitchell, Osborn, Overmyer, Ratliff, Ruddell, Shoemaker, Stephenson, Stewart of Rush, Tebbs, Underwood, Vater, Wildman, Williams of Knox, Williams of Union, and Zenor—43.

Those who voted in the negative were,

Messrs. Admire, Calvert, Coffroth, Cotton, Cox, Davidson, Dunn, Fuller, Gordon, Greene, Hamilton, Johnson of Montgomery, Johnson of Marshall, Lawler, Logan, Miles, Mock, Montgomery, Neff, Palmer, Pierce of Porter, Sabin, Shoaff, Smith, Stewart of Ohio, Sunman, Taber, Vardeman, Williams of Hamilton, and Williams of St. Joseph—30.

So the bill failed to pass for the want of a constitutional majority.

The Speaker announced that he had signed enrolled act No. 322 of the House.

Ordered, That the Clerk inform the Senate thereof.

Mr. Underwood moved to suspend the order of business and take up Senate bill No. 351.

Which was agreed to.

Senate bill No. 351. "A bill to legalize certain proceedings of the Wayne Criminal Circuit Court."

Was read a first time and passed to a second reading.

Message from the Senate by Mr. Wilson, Secretary thereof :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed Senate bill No. 351, entitled "A bill to legalize certain proceedings of the Wayne Criminal Circuit Court, in which the concurrence of the House is requested.

Engrossed House bill No. 213. "A bill prescribing the duties of County Auditors in relation to cancelled county orders and statements of property listed by appraisers and assessors."

Was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Beatty, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Lawler, Logan, Long, McDonald, McGregor, Millekan, Miller, Mitchell, Mock, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Ratliff, Sabin, Shoaff, Shoemaker, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, and Zenor—68.

Mr. Lamborn voting in the negative—1.

So the bill passed.

The question being, shall the title as read stand as the title of the bill ?

It was so ordered.

Ordered, That the Clerk inform the Senate thereof.

House bill No. 79 having been previously read a third time, and having failed to pass for want of a constitutional majority, the same was taken up.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Beatty, Beeler, Bobo, Britton, Breckinridge, Carnahan, Cave, Chapman Chittenden, Cory, Cotton, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lagrange, Gilham, Hall, Higbee, Higgins, Hutchings, Hutson, Johnson of Parke, Jump, Lawler, Lamborn, Long, McDonald, McGregor, Mil-lekan, Miller, Miles, Mock, Odell, Osborn, Pierce of Porter, Rat-liff, Ruddell, Sabin, Shoemaker, Stephenson, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Wildman, Williams of Knox, Williams of St. Joseph, Williams of Union and Zenor—56.

Those who voted in the negative were,

Messrs. Admire, Calvert, Cox, Fuller, Gordon, Greene, Hyatt, Johnson of Montgomery, Johnson of Marshall, Logan, Montgom-ery, Neff, Palmer, Smith and Williams of Hamilton—15.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate thereof.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Presi-dent has signed enrolled House bill No. 322, and the same is here-with returned to the House.

H. J. Ex. S.—22.

Engrossed House bill No. 128. "A bill to amend section 13 of an act authorizing the construction of plank, macadamized and gravel roads, approved May 12, 1852, and exempting all persons going to and returning from public worship, and all persons going to and returning from Sunday-schools, from the payment of toll."

Was read a third time.

Mr. Cory moved to lay the bill on the table.

Which was not agreed to.

Mr. Cory, by unanimous consent, moved to amend by adding:

SEC. —. Any person falsely representing that he is going to church, for the purpose of passing without pay of tolls over any turnpike road, or through any gate thereof, shall be deemed guilty of a misdemeanor, and shall be fined by any court of competent jurisdiction in any sum not exceeding five dollars for each offense.

Mr. Wilson moved that the bill be indefinitely postponed.

Mr. Hamilton moved to lay the motion to indefinitely postpone on the table.

Which was agreed to.

Mr. Stanton moved to lay the bill and pending amendment on the table.

Messrs. Stanton and Fuller demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Beeler, Bobo, Britton, Calvert, Carnahan, Cave, Chittenden, Cory, Cotton, Cox, Dunn, Fairchild, Fuller, Gilham, Greene, Higbee, Johnson of Montgomery, Johnson of Parke, Lawler, Lamborn, Long, McGregor, Mock, Montgomery, Odell, Palmer, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson and Zenor—48.

Those who voted in the negative were,

Messrs. Beatty, Barnett, Chapman, Davidson, Davis of Elkhart,

Field of Lagrange, Furnas, Gordon, Hamilton, Higgins, Hutson, Hyatt, Johnson of Marshall, Jump, Logan, McDonald, Millekan, Miller, Miles, Neff, Osborn, Overmyer, Vardeman, Vater and Williams of Union—25.

So the motion to lay on the table prevailed.

Mr. Underwood, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills, to whom was referred engrossed House Joint Resolution No. 13, have compared the same with the original bill, and find it correctly engrossed.

Mr. McDonald, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

Your Committee to whom was referred engrossed House bill No. 379, A bill relative to the estates of minor heirs, have carefully compared the same with the original bill, and find it correctly engrossed.

Engrossed House bill No. 168. "A bill for the encouragement of the destruction of foxes and wild cats.

Was read a third time.

Mr. Osborn moved to recommit to the Committee on Rights and Privileges, with the following instructions:

Amend by adding after the words "fox scalps, wild cat scalps," wherever they occur in the bill, the words "or sheep-killing dog scalp."

Amend the title by adding the words "and sheep-killing dogs."

Mr. Stanton moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question recurring on the motion by Mr. Osborn to recommit with instructions,

Messrs. Vater and Hall demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Bobo, Chittenden, Davis of Elkhart, Hamilton, Higbee, Lamborn, Long, Osborn, Pierce of Porter, Vater, Williams of Hamilton and Williams of St. Joseph—13.

Those who voted in the negative were,

Messrs. Addison, Admire, Barnett, Beatty, Beeler, Britton, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Davidson, Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higgins, Hutchings, Hutson, Hyatt, Johnson of Marshall, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Lawler, Logan, McDonald, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Montgomery, Neff, Odell, Palmer, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Williams of Knox, Williams of Union, Wilson and Zenor—65.

So the motion to recommit did not prevail.

The question recurring on the passage of the bill.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Beatty, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Marshall, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Lawler, Logan, Millekan, Miller, Miles, Mitchell, Mock, Montgomery, Neff, Odell, Osborn, Palmer, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Tebbs, Underwood, Vardeman, Vater, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union and Zenor—73.

Those who voted in the negative were,

Messrs. Lamborn, McDonald, McGregor, Sunman and Wilson
—5.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Coffroth moved that the House take up the Senate message containing amendments to House bills No. 62 and 341.

Which was agreed to.

Message from the Senate by Mr. Wilson the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed House bill No. 62, entitled a bill to amend section 147 of "An act to provide for a general system of Common Schools, &c., with the following Senate engrossed amendments to-wit:

Insert after the words English Grammar, "Physiology and History of the United States.

In which the concurrence of the House is respectfully requested.

The question being on the concurring in the amendment.

It was agreed to.

Message from the Senate by Mr. Wilson, the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed engrossed House bill No. 341, entitled a bill crea-

ting the Twenty-eighth Judicial Circuit, fixing the time of holding courts therein, declaring a vacancy in the office of Judge and Prosecuting Attorney therein, providing for the election of a Judge and Prosecuting Attorney for the same, providing for the transfer of action and return of process thereto, and declaring an emergency; with the following engrossed Senate amendments thereto, to-wit:

Engrossed Senate amendments to House bill No. 341:

1. Strike the word "Morgan" out of the third line of the first section: also, strike out of the same section the following sentence:

"In the County of Morgan on the second Monday in May and November, in each year."

2. Strike the word "Morgan" out of the third line of the second section.

3. Strike the word "Morgan" out of the sixth line of the fifth section.

4. Strike out the whole of the sixth section.

5. Strike out the word "four," relating to time of holding court in Bartholomew county, and insert "five," making the section read "in Johnson County four weeks, and in Bartholomew county five weeks."

6. Add the following section:

SECTION. —. The Courts in the County of Decatur, in the Fourth Judicial Circuit shall be held on the third Mondays of May and November, and shall continue as long as the business may require.

Amend the title as follows:

And to fix the time of holding Courts in the County of Decatur, in the Fourth Judicial Circuit.

In which the concurrence of the House is respectfully requested.

The question being on concurring therein.

Mr. Montgomery moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the concurring in the amendments.

It was agreed to.

Mr. McDonald, from the Committee on Engrossed Bills, submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have carefully compared engrossed House bill No. 175, with the original bill, and find it in all respects correctly engrossed.

Mr. Lamborn moved that the House do now adjourn.

Which was agreed to.

TUESDAY, 2 O'CLOCK, P. M.

The House met.

The Speaker being absent, Mr. Stewart of Rush, was called to the Chair.

SPECIAL ORDER FOR THE HOUR.

The hour having arrived for the consideration of House bill No. 211.

Mr. Chapman moved to take up House bill No. 356, with pending amendments.

Which was agreed to.

Mr. Coffroth moved that the report of the Committee containing amendments be concurred in.

Which was agreed to.

The question being on the engrossment of the bill,

Messrs. Wilson and Vater demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Coffroth, Cotton, Davis of Elkhart, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Logan, Miller, Mock, Montgomery, Neff, Odell, Palmer, Pierce of Porter, Ratliff, Sabin, Shoaff, Sleeth, Smith, Stanton, Stewart of Ohio, Sunman, Taber, Underwood, Wildman, Williams of Knox and Williams of St. Joseph—36.

Those who voted in the negative were,

Messrs. Addison, Admire, Barnett, Beatty, Beeler, Bobo, Bowen, Chittenden, Cory, Cox, Davidson, Fairchild, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Johnson of Marshall, Jump, Lamborn, Long, McDonald, Millekan, Miles, Monroe, Osborn, Overmyer, Shoemaker, Stephenson, Stewart of Rush, Vardeman, Vater, Williams of Hamilton, Williams of Union, Wilson and Zenor—41.

So the bill was not ordered engrossed.

The special order being passed over informally, the same was now taken up.

Senate bill No. 211. "A bill defining what counties shall constitute the Eighth Judicial Circuit, and fixing the terms of holding the courts therein.

Was read a third time.

The question being, shall the bill pass?

Mr. Greene moved the previous question,

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Chapman, Chittenden, Davidson, Davis of Elkhart, Dunn, Fairchild, Furnas, Gilham, Gordon, Greene, Hall, Higgins, Hutchings, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Long, Millekan, Miller, Mitchell, Monroe, Odell, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sleeth, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union and Wilson—49.

Those who voted in the negative were,

Messrs. Addison, Bobo, Britton, Calvert, Carnahan, Cave, Cofroth, Cory, Cotton, Cox, Field of Lagrange, Fuller, Higbee, Hyatt, Johnson of Montgomery, Logan, McGregor, Miles, Mock, Montgomery, Neff, Palmer, Sabin, Shoaff, Shoemaker, Sunman, Taber, Williams of Knox and Zenor—29.

So the bill failed to pass for want of a constitutional majority.

Mr. McDonald, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

Your Committee to whom was referred engrossed House bill No. 302, "A bill to provide for the draining of swamp lands in the State of Indiana," have carefully compared the same with the original bill, and find it correctly engrossed.

Mr. Stanton, by consent, presented the following:

MEMORIAL

OF THE INDIANAPOLIS BOARD OF MANAGERS OF THE "HOUSE FOR FRIENDLESS WOMEN," IN BEHALF OF THE "INDIANA REFORMATORY INSTITUTION FOR WOMEN AND GIRLS."

To the Senate and House of Representatives :

GENTLEMEN—Your memorialists have long been interested in the claims of the friendless of our own sex upon the public for sympathy and assistance in reaching a life of industry, usefulness and virtue. Our labors have not been without their good fruits, and many under our observation and watchful care have been turned from the path of sorrow and wretchedness to one of peace, and hope and joy.

The General Assembly two years ago made a liberal and beneficent provision for the protection of the homeless and friendless boys of the State, who, for want of counsel and parental care, are under the controlling influence of profanity, theft and crime. This benefaction has already proven a blessing, and will bring forth good fruits for many years to come. Must our homeless and friendless daughters, who are alike waifs upon the world, without a friendly counselor, constantly exposed to crime and in the path of ruin, (not so much because of any predisposing fault of their own, as because parents, church and State have failed to give them sympathy, and to inspire them to seek a better and higher life,) now fail to find the protecting shield of the State thrown over them?

Our jails find no suitable home for those who have been so unfortunate as to be sent thither, and our courts are deterred from executing the demands of justice because the ends of the penal law can not be reached without degrading them, and the erring are set at liberty to seek again the companionship of vice. All our cities and villages are waiting for the relief your timely aid can give them.

We trust, in the disposal of the bill before you, wise and worthy counsels will prevail. We feel that a generous and approving response will greet you from your constituents on your return, when they learn you are not only the friends of the orphan and the afflicted, but of the unfortunate and the erring. May God grant that you may have true and manly hearts in this good work.

We embrace this opportunity to assure you that the provisions of the bill which contemplate the removal of female convicts to an adjoining department of the Reformatory, are meant to be economic. Their labor can be turned to good account in meeting the

expenses of the institution, while at the same time, we conceive, they will be placed in more favorable circumstances for moral discipline and reformation. We believe the more carefully you consider the provisions of the bill the more will its merits be seen to sustain you in its support. We would therefore earnestly ask you to secure its passage.

With great respect, and on behalf of the Association above named.

ELIZA J. NEWMAN, *President.*

SARAH R. KAPPES, *Secretary.*

E. C. SHARPE,
MRS. JOSEPH McDONALD,
MRS. T. P. HAUGHEY,
MRS. E. R. ECKERT,
MRS. I. McLENE,
MRS. S. P. RAY,

Managers.

S. JAMES SMITH, *Manager.*

Mr. Stanton moved to take up a motion previously made, to reconsider the vote by which the House refused to pass House bill No. 176.

Which was agreed to.

Mr. McGregor, from the Committee on Engrossed Bills, submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have carefully compared engrossed House bill No. 312, with the original bill, and find it in all respects correctly engrossed.

Mr. Miles, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills, to whom was referred House bill No. 305, have had the same under consideration, and have compared the same with the original and find it correctly engrossed.

The question being on the motion to reconsider the vote by which the House refused to pass House bill No. 176,

It was agreed to.

Mr. Pierce of Porter, by unanimous consent, moved to amend by adding:

Provided, That no building shall be erected under this act which shall exceed in cost to the State the sum hereby appropriated, viz: fifty thousand dollars.

Which was agreed to.

Mr. Kercheval, by consent, offered the following resolution:

Resolved, That Mrs. Sarah Smith, who is present, be requested to address the House of Representatives upon the subject of the bill now under consideration, and that the Speaker invite her to occupy the Speaker's stand.

Which was agreed to.

Engrossed House bill No. 176. A bill to provide for a Reformatory Institution for girls and women,

Having been read a third time on a previous day,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Britton, Breckinridge, Chapman, Chittenden, Cory, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Logan, Long, McDonald, Millekan, Miller, Mitchell, Mock, Munroe, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Sleeth, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Tebbs, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Zenor—62.

Those who voted in the negative were,

Messrs. Admire, Bobo, Calvert, Carnahan, Cave, Cotton, Johnson of Montgomery, Montgomery, Neff, Palmer, Shoemaker, Smith, Sunman and Williams of Knox—14.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

Mr. Osborn moved to amend the title, so as to read as follows:

A bill to establish a Female Prison and Reformatory Institution for girls and women, to provide for the organization and government thereof, and making appropriations.

Which was agreed to.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Coffroth moved to take up Senate bill No. 270, it having been made the Special Order for three o'clock to-day.

Which was agreed to.

Senate bill No. 270. A bill to provide for the payment of certain claims for ditching Swamp Lands, out of the general Swamp Land Fund.

Senate bill No. 270.

Was read a second time, and passed to a third reading.

Mr. Williams of Knox, moved to suspend the order of business, for the purpose of allowing him to offer a concurrent resolution.

Mr. Osborn moved to lay the motion to suspend the order of business, on the table.

Mr. Williams of Knox, and Fuller, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Chittenden, Cory, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Johnson of Marshall, Johnson of Parke, Jump, Kercheval, Lamborn, Millekan, Miller, Monroe, Osborn, Overmyer, Ratliff, Ruddell, Sabin, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Varde-man, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph and Williams of Union—47.

Those who voted in the negative were,

Messrs. Addison, Admire, Bobo, Britton, Calvert, Carnahan, Cave, Chapman, Coffroth, Cotton, Cox, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McDonald, McGregor, Miles, Mitchell, Montgomery, Neff, Palmer, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Williams of Knox and Zenor—32.

So the motion to lay on the table prevailed.

Mr. McDonald, from the Committee on Engrossed Bills, submitted the following report :

MR. SPEAKER :

Your Committee to whom was referred engrossed House bill No. 163, a bill to prevent the erection on, or adjoining lands belonging to the State, have carefully compared the same with the original bill, and find that it is correctly engrossed.

Mr. Ratliff moved that the House now proceed to the consideration of House bills on the third reading.

Which was agreed to.

HOUSE BILLS ON THIRD READING.

Engrossed House bill No. 209, entitled a bill to define certain offences therein mentioned, and to prescribe punishment therefor,

and to suppress the usurpation of the functions of the Judiciary in the punishment of real or pretended offences.

Was read a third time.

Mr. Coffroth moved to reconsider the vote by which the House agreed to take up House bills on third reading.

Which was agreed to.

Mr. Coffroth moved to take up Senate message containing Senate bill No. 156.

Which was agreed to.

Message from the Senate by Mr. Wilson, the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Senate bill No. 156, entitled a bill accepting certain donations from John Perdue and others, and locating and naming the College contemplated by the act of Congress, approved July 2, 1862, providing for its organization and management, adding a member to the Trustees of the Indiana Agricultural College, and changing the corporate name of said Trustees, and declaring an emergency.

In which the concurrence of the House is earnestly requested.

Senate bill No. 156.

Was read a first time.

Mr. Coffroth moved to make it the special order for to-morrow at three o'clock.

Which was agreed to.

Mr. Stanton moved to take up Senate bill No. 337.

Which was agreed to.

Message from the Senate, by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Senate bill No. 337, entitled an act to make appropriations for certain purposes, and upon certain conditions therein expressed, and making provisions for the current expenses of the Benevolent Institutions of the State, in cases where the State fails to make the necessary appropriations therefor.

Senate bill No. 337.

Was read a first time.

Mr. Stanton moved to suspend the Constitutional rule requiring bills to be read on three several days, and that the bill be read a second time by title, and a third time by sections, now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Beatty, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave, Coffroth, Cotton, Cox, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higgins, Hutchings, Hutson, Hyatt, Johnson of Marshall, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Lawler, Lamborn, Logan, Long, McDonald, McGregor, Millekan, Miller, Miles, Monroe, Montgomery, Neff, Osborn, Overmyer, Palmer, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Sleeth, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Suman, Taber, Underwood, Varde-man, Williams of Hamilton, Williams of Knox, Williams of St. Joseph and Zenor—68.

Mr. Vater voted in the negative.

So it was deemed expedient to suspend the Constitutional rule, and said bill was read a second time by its title.

Mr. Vater moved to amend so as to remove all necessity for a session of the Legislature from now, henceforth, and forever.

Mr. Coffroth moved to lay the amendment on the table.

Which was agreed to.

Engrossed Senate Bill No. 337. "A bill making appropriations for certain purposes, and upon certain conditions therein expressed, and making provisions for the current expenses of the benevolent institutions of the State in cases where the State fails to make the necessary appropriations therefor."

Was read a third time.

The question being shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Beatty, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave, Coffroth, Cotton, Cox, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Gilham, Hall, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Kercheval, Lawler, Lamborn, Long, McDonald, McGregor, Millekan, Miller, Miles, Monroe, Montgomery, Neff, Overmyer, Palmer, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Sleeth, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Williams of Hamilton, Williams of Knox, and Zenor—61.

Those who voted in the negative were,

Messrs. Bobo, Gordon, Greene, Higbee, Jump, Underwood, Vardeman, Vater, and Williams of St. Joseph—9.

So the bill passed.

The question being, shall the title as read stand as the title of the bill ?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Stewart of Ohio moved that the House do now adjourn.

Which was agreed to.

FRIDAY MORNING, 9 o'clock, }
 April 30, 1869. }

The House met.

Mr. Taber obtained leave of absence indefinitely.

Mr. Barritt obtained leave of absence until Monday.

Mr. Zollars obtained leave of absence until Monday.

Mr. Pierce of Vigo moved that the reading of the journal be dispensed with.

Which was agreed to.

Mr. Mason obtained leave of absence until Monday.

Mr. Gordon moved to suspend the regular order of business and take up Senate bills on second reading.

Mr. Welborn moved to amend by taking up House bills on third reading.

Mr. Zollars moved to amend the amendment by taking up Senate bill No. 161.

Which was not agreed to.

The question recurring on the motion by Mr. Welborn,

It was not agreed to.

The question recurring on the motion by Mr. Gordon,

It was not agreed to.

Mr. Ruddell moved that the order of business be suspended, and that the House take up House bill No. 52.

Which was not agreed to.

Mr. McBride, by leave, introduced

Joint Resolution No. 16, entitled "A Joint Resolution for the removal of F. M. Meredith from the office of Director of the Southern Prison of Indiana."

Which was read a first time.

Mr. Pierce of Vigo moved that the Resolution be laid on the table and considered with the report.

Messrs. Sabin and Ruddell demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Bates, Bowen, Britton, Calvert, Carnahan, Chapman, Cory, Davidson, Dunn, Field of Lake, Gilham, Hamilton, Higbee, Hutson, Johnson of Marshall, Jump, Mason, Millekan, Mitchell, Osborn, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Vardeman, Welborn, Wildman, Williams of Hamilton, Williams of St. Joseph and Zollars—42.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Beatty, Beeler, Bobo, Breckinridge, Chittenden, Cox, Davis of Elkhart, Davis of Floyd, Dittmore, Fairchild, Field of Lagrange, Fuller, Gordon, Greene, Hall, Higgins, Hutchings, Hyatt, Lamborn, Long, McBride, McDonald, McGregor, Miller, Miles, Montgomery, Overmyer, Sleeth, Tebbs, Wile, Williams of Knox, Williams of Union, Wilson, Zenor and Mr. Speaker—38.

So the motion to lay on the table prevailed.

Mr. Chapman moved to suspend the regular order of business and take up House bill No. 356, and read a second time now.

Which was not agreed to.

The Speaker laid before the House the following communication from the Vice President of the Columbus, Chicago and Indiana Central Railway Company:

Wm. M. Merwin, Clerk House of Representatives, Indianapolis, Indiana :

SIR—In compliance with a resolution of the House passed the 20th inst., we hand you herewith one each of all the reports of the Indiana Central Railway Company which we can obtain. The file is complete from 1852 to 1863, both years inclusive, except copies for 1853 and 1862, which we have not.

The information as to receipts for transportation of soldiers, etc., will be forwarded as soon as it can be put in proper form.

Very respectfully,

B. F. HAMILTON,
Second Vice President C. C. & I. C. R. R.

Which was referred to the Special Committee on Railroads.

Mr. Palmer obtained leave of absence until Monday.

Mr. Wile obtained leave of absence until Monday.

The following message from the Governor was laid before the House by the Speaker:

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, April 28, 1869. }

MR. SPEAKER:

By direction of the Governor, I have the honor to submit herewith his message transmitting a copy of a communication from Jesse Mehary, Esq., proposing to donate lands for the use of the Agricultural College.

JNO. M. COMMONS, *Private Secretary.*

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, April 28, 1869. }

Gentlemen of the Senate and House of Representatives :

I herewith respectfully transmit for your consideration a copy of a communication received from Jesse Mehary, Esq., of Tippecanoe county, Indiana, proposing to donate to the State three hundred and twenty acres of his farm situated in said county for the use of the Agricultural College, provided the said College shall be located

thereon. I have no information concerning the property proposed to be donated except what is stated in the proposition.

CONRAD BAKER.

SHAWNEE MOUND, TIPPECANOE CO., IND., }
April 22, 1869. }

To His Excellency, Conrad Baker, Governor of Indiana :

SIR—I have read with much pleasure the Hon. John Perdue's noble and generous offer to the Agricultural College. I have been a resident of said county of Tippecanoe for 38 years, and feeling a deep interest in my adopted county and State, and in all its interests and improvements, I offer, through your Excellency, to the State of Indiana to donate 320 acres of my farm, including Shawnee Mound and 40 acres of timber land, worth \$30,000, if said College is located on the same. I ask no consideration or reserve, only that no spirituous or intoxicating liquors shall ever be sold thereon to be used as a beverage. My neighbors stand ready to pledge themselves for \$50,000 more if said College should be located on my farm.

Shawnee Mound stands in the prairie adjoining the old Shawnee village (Indian;) has an elevation of about 75 feet, and has an inexhaustible supply of the very best sand and gravel. My farm is all prairie; there is a good spring and an abundance of the best water, and the best of clay for making brick, and it is not surpassed for health, fertility and beauty, in the county or State.

There is a gravel road from Pleasant Hill, via. Shawnee Mound to Lafayette, and another from the Mound to Attica, and still another running from the Mound east.

Now, if you think favorably of my offer, I will thank you to present the same to the Houses of the General Assembly for their consideration.

Very respectfully yours,

(Signed,)

JESSE MEHARY.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, April 29, 1869. }

MR. SPEAKER:

By direction of the Governor, I have the honor respectfully to inform the House that he has approved and signed Enrolled Act of

the House No. 34, entitled "An act to enable incorporated towns to lay out, open, grade, and improve streets and alleys, and make public improvements therein, and to make surveys, and adopt plats where the same have been lost or destroyed, and prescribing the duties of the Board of Trustees, and providing for the mode of working and improving streets and alleys, and declaring an emergency."

Also, Enrolled Act of the House No. 214, entitled "An act supplemental to an act, approved March 5, 1859, entitled an act authorizing the purchasers of railroads, plank roads, turnpike roads, and Macadamized roads, or parts thereof, under mortgaged sales, or sales made according to the terms of deeds of trust, to organize as incorporated companies, and prescribing their powers, and extending the time provided in said act for the organization of such distinct corporations by such purchasers, approved February 1, 1867."

Also, Enrolled Act of the House No. 40, entitled "An act to enable County Commissioners to demand, sue for, and recover, any bounty fund which may have been raised by the citizens of any county in the State, and which remains unexpended or not accounted for, and declaring an emergency."

Also, Enrolled Act of the House No. 50, entitled "An act to amend sections 1 and 3 of an act entitled an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14, 1867."

Also, Enrolled Act of the House No. 6, entitled "An act providing for the location, construction, and use of lateral railroads, and for the assessment of damages occasioned by the location, construction, and use of the same."

Also, Enrolled Act of the House No. 72, entitled "An act defining what counties shall constitute the Fifth Judicial Circuit, and fixing the time of holding courts therein."

Also, Enrolled Act of the House No. 309, entitled "An act making general appropriations for the years 1869 and 1870."

And that the same have been deposited in the office of the Secretary of State.

JOHN M. COMMONS,
Private Secretary.

Mr. Davis, of Elkhart, obtained leave of absence until Tuesday.

Mr. Long presented, by leave, a claim of Peter M. Osker against the State for the sum of fifty dollars (\$50.00), with interest thereon from the 18th day of June, 1857, at the rate of six per centum.

Which was referred to the Committee on Claims.

Mr. Dittmore obtained leave of absence until Tuesday.

Mr. Fuller moved to suspend the order of business and take up Senate bill No. 215.

Which was agreed to.

Engrossed Senate Bill No. 215, entitled "A bill to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies."

Was read a first time and passed to a second reading.

Mr. Overmyer, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills report that they have examined and compared Enrolled Act No. 7 of the House, and find it, in all respects, correctly enrolled.

Message from the Senate by Mr. Wilson, the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed engrossed Senate bill No. 215, entitled a bill to authorize aid to the construction of railroads by counties and townships taking stock in, and making donations to railroad companies.

Mr. Ruddell moved that the regular order of business be suspended for the purpose of taking up House bill No. 132, with the Senate amendments thereto.

House bill No. 132, entitled a bill to enable cities to aid in the construction of railroads and water powers, and declaring an emergency, with the following engrossed Senate amendments thereto, to-wit:

Amend by inserting after the word "State," on the fourth line, the following words:

"Upon petition of a majority of the resident freeholders of such city."

Amend section one, by striking out the word "or," in the fifth line of said section, and inserting after the words "Hydraulic Company," in the sixth line of said section, "or Water Powers."

Strike out from the word "city," on the ninth line, all to the word "city," on the thirteenth line.

Amend section one by adding after the word "road," in line eighteen, the words "Hydraulic Companies."

Add a new section as follows:

SEC. 2. It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

Amend the title by inserting the words "Hydraulic Companies," after the word "road."

Mr. Ruddell moved that the amendments be concurred in.

Which was agreed to.

Mr. Davis of Floyd, moved that House bill No. 119, now in the hands of the Ways and Means Committee, be taken up and referred to a special committee of five.

Which was agreed to.

Mr. Ratliff moved to reconsider the vote by which the House selected a location for the Agricultural College.

Mr. Osborn submitted the following point of order.

That it was not competent for the gentleman to make a motion to reconsider the vote for the location of the Agricultural College, inasmuch as he did not vote with the majority for said location.

Mr. Cory moved to lay the motion on the table.

Pending which, by consent, the further consideration was suspended for the present.

Mr. Wildman moved that the House now proceed to the consideration of House bills on third reading.

Mr. Dunn moved to lay the motion on the table.

Messrs. Dunn and Zollars, demanded the ayes and noes.

Those who voted in the affirmative were.

Messrs. Cotton, Dittemore, Dunn, Field of Lake, Gordon, Lawler, Mason, McBride, McDonald, McGregor, Ruddell, Smith, Stephenson, Stewart of Rush, and Wilson—16.

Those who voted in the negative were,

Messrs. Addison, Admire, Baker, Bates, Beatty, Beeler, Bobo, Britton, Breckinridge, Calvert, Chapman, Chittenden, Cory, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Fairchild, Field of Lagrange, Gilham, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Marshall, Johnson of Montgomery, Jump, Lamborn, Long, McFadin, Millekan, Miller, Miles, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Shoaff, Sleeth, Stanton, Stewart of Ohio, Sunman, Tebbs, Vardeman, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor and Zollars—61.

Message from the Senate by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

The Senate has directed the following named Senators to meet with the committee of the House as a Committee of Conference on House bill No. 90, with Senate engrossed amendments thereto:

Messrs. Cravens, Morgan, and Bellamy.

That the Senate has passed Engrossed Senate Bill No. 338, entitled "A bill defining what counties shall constitute the Tenth Judicial Circuit, and fixing the time of holding the courts therein."

In which the concurrence of the House is requested.

The question recurring on the motion of Mr. Wildman.

It was agreed to.

Engrossed House bill No. 211. A bill to prevent dogs from running at large in the night time, and other matters properly connected therewith, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

Mr. Dittmore moved that the bill be indefinitely postponed.

Mr. Hamilton moved to lay the motion on the table.

Which was agreed to.

The question recurring on the motion to indefinitely postpone.

It was agreed to.

Engrossed House bill No. 158. A bill to amend section twenty-three of an act entitled "An act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana; for the election of Township Assessors, and prescribing the duties of assessors, appraisers of real property, County Treasurers and Auditors, and the Treasurer and Auditor of State," approved June 21st, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Bates, Beatty, Beeler, Bobo, Bowen, Breckinridge, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Greene, Hall, Hamilton, Higbee, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Lawler, Long, Mason, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Sleeth, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Vardeman, Welborn, Wildman, Williams of Hamilton, Williams of Union, Wilson and Mr. Speaker—69.

Those who voted in the negative were,

Messrs. Britton, Calvert, Carnahan, Gordon, Higgins, Lamborn, Shoaff, Smith, Sunman, Williams of St. Joseph, Zenor and Zol-lars—12.

So the bill passed.

The question being, shall the title as read stand as the title to the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Engrossed House bill No. 95. "A bill for the relief of John Ingle and John Ingle, jr.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Breckinridge, Calvert, Carnahan, Chapman, Coffroth, Cory, Cotton, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange,

Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Lawler, Lamborn, Long, Mason, McBride, McDonald, McGregor, Millekan, Miller, Miles, Mitchell, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Vardeman, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—77.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill ?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Engrossed House bill No. 104. "A bill to amend section 397 of an act entitled 'An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity ;'" approved June 18, 1852.

Was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Bates, Beatty, Beeler, Bobo, Bowen, Britton Breckinridge, Calvert, Carnahan, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Lawler, Lamborn, Long, Mason, McDonald, McGregor,

Millekan, Miller, Miles, Mitchell, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Vardeman, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—77.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Engrossed House bill No. 186. "A bill providing for proceedings supplementary to execution in courts of Justices of the Peace, being supplemental to an act providing for the election and qualification of Justices of the Peace, defining their jurisdiction, powers and duties in civil cases;" approved June 9, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Breckinridge, Calvert, Carnahan, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Lawler, Long, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Shoaff, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—77.

Mr. Lamborn voting in the negative—1.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Williams of Knox, by leave, introduced

House bill No. 388, entitled "A bill to authorize the President of the State Board of Agriculture to fill vacancies in the office of Secretary, Treasurer or Superintendent of the State Board of Agriculture, and declaring an emergency."

Which was read a first time.

Mr. Williams of Knox moved to suspend the constitutional rule requiring bills to be read on three several days, and that House bills Nos. 388 and 294, and Senate bill No. 238, be read a second and third times now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Bates, Beatty, Bobo, Bowen, Breckinridge, Calvert, Carnahan, Chapman, Coffroth, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Mason, McBride, McDonald, McGregor, Millekan, Miller, Miles, Mitchell, Montgomery, Neff, Osborn, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Shoaff, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson, Zenor, Zollars and Mr. Speaker—68.

Those who voted in the negative were,

Messrs. Beeler, Lamborn, Overmyer, Vardeman and Williams of Union—5.

So it was deemed expedient to suspend the Constitutional rule, and read House bills No. 388 and 294, and Senate bill No. 238, a second time by title, and a third time by sections now.

Mr. McBride was excused, (by his own request), from serving on a special committee, and Mr. Dunn was appointed to fill his place.

House bill No. 388. An act to authorize the President of the State Board of Agriculture to fill vacancies in the offices of Secretary, Treasurer, or Superintendent of the State Board of Agriculture, and declaring an emergency.

Was read a second time by title, and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Breckinridge, Calvert, Carnahan, Chapman, Cofroth, Cory, Cotton, Cox, Davidson, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgings, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Lawler, Long, Mason, McBride, McDonald, McGregor, Millekan, Miller, Miles, Mitchell, Montgomery, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Shoaff, Sleeth, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Vardeman, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—76.

None voting in the negative.

So the bill passed.

The question being shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

House bill No. 389. A bill to authorize the Governor of the State to appoint Commissioners to revise, amend, and remodel, the system of Courts in this State, fixing the time when such Commissioners shall meet, giving them certain privileges, fixing their compensation, and declaring an emergency.

Was read a first time by title, and a second time by sections.

Mr. Wilson moved to strike out the word "three," before Commissioners, and insert "five."

Mr. Johnson of Marshall, moved to lay the motion on the table.

Which was agreed to.

Mr. Davis of Floyd, offered the following amendment.

Strike out the word "five," where the same occur, and insert "six" in lieu thereof.

Mr. Dunn moved to recommit to the Committee on the Judiciary.

Which was agreed to.

Mr. Zollars moved that the Clerk be instructed to procure a copy of Senate bill No. 238, which had been lost.

Which was agreed to.

Mr. Pierce of Porter, offered the following:

Resolved, That when this House adjourns on Friday evening, it shall be until Tuesday morning at 9 o'clock.

Mr. Wildman moved to lay the resolution on the table.

Mr. Ruddell moved to amend by saying Monday at 2 o'clock.

Mr. Long moved to lay the amendment on the table.

Which was not agreed to.

The question recurring on the motion of Mr. Ruddell.

It was agreed to.

The question recurring on the resolution as amended,

Messrs. Gordon and Higgins, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Bates, Bobo, Bowen, Breckinridge, Calvert, Coffroth, Cory, Cotton, Cox, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lagrange, Gilham, Greene, Hall, Hamilton, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Lawler, Mason, McBride, McGregor, Millekan, Miller, Mitchell, Montgomery, Neff, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Sleeth, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Welborn, Williams of Union and Mr. Speaker—51

Those who voted in the negative were,

Messrs. Admire, Beatty, Beeler, Chapman, Davidson, Field of Lake, Gordon, Higbee, Higgins, Lamborn, Long, McDonald, Miles, Odell, Smith, Tebbs, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Zenor and Zollars—22.

So the resolution offered by Mr. Pierce of Porter, was agreed to.

On motion of Mr. Davidson, the House adjourned.

FRIDAY, 2 O'CLOCK, P. M.

The House met.

Mr. Johnson of Marshall, obtained leave of absence until Monday.

Mr. Hamilton, by consent, offered the following :

Resolved, That the adult employees of the State Librarian during the regular session of 1869, be allowed \$5 per day.

The question being on the adoption of the resolution offered by Mr. Hamilton.

Messrs. Davidson and Cory demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Chapman, Hamilton, Pierce of Porter, Ratliff, and Ruddell—6.

Those who voted in the negative were,

Messrs. Admire, Bates, Beatty, Beeler, Bowen, Bobo, Breckinridge, Calvert, Chittenden, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Fairchild, Field of Lake, Field of LAGRANGE, Fuller, Gordon, Greene, Hall, Higgins, Higbee, Hutchings, Hutson, Hyatt, Johnson of Marshall, Jump, Lawler, Lamborn, Long, Mason, McBride, McDonald, McGregor, Millekan, Miller, Miles, Montgomery, Neff, Odell, Osborn, Pierce of Vigo, Sabin, Shoaff, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs Vardeman, Welborn, Wildman, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor and Mr. Speaker—61.

So the resolution did not prevail.

The Speaker announced the following Committee on Morgan Raid Claims:

First District—Mr. Welborn.

Second District—Mr. Davis of Floyd.

Third District—Mr. Monroe.

Fourth District—Mr. Bowen.

Fifth District—Mr. Stanton.

Sixth District—Mr. Johnson of Parke.

Seventh District—Mr. Gordon.

Eighth District—Mr. McFadin.

Ninth District—Mr. Bobo.

Tenth District—Mr. Coffroth.

Eleventh District—Mr. Pierce of Porter.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bills Nos. 279 and 288,

Mr. Coffroth moved that the same be postponed and made the special order for Wednesday next at 2 o'clock.

Which was agreed to.

House bill No. 294. "A bill for the relief of the heirs of Patrick Donovan, deceased."

Was read a second time by title.

Mr. Field of Lake moved that the bill be considered as engrossed for a third time now.

Which was agreed to.

House bill No. 294.

Was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Bates, Beatty, Beeler, Bobo, Bowen, Breckinridge, Calvert, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Marshall, Jump, Lamborn, Long, Mason, McBride, McDonald, Millekan, Miller, Miles, Montgomery, Neff, Odell, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Shoaff, Sleeth, Smith, Stewart of Ohio, Sunman, Tebbs, Vardeman, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—67.

Those who voted in the negative were,

Messrs. Osborn and Sabin—2.

So the bill passed.

The question being, shall the title as read stand as the title of the bill ?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Engrossed Senate bill No. 388. "A bill defining what counties shall constitute the Tenth Judicial Circuit, and fixing the times of holding the courts therein."

On motion, was read a first and second time by title.

On motion by Mr. Osborn, the bill was ordered to be engrossed.

Engrossed Senate bill No. 388.

Was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Bates, Beeler, Bobo, Bowen, Breckinridge, Calvert, Chapman, Coffroth, Cory, Cotton, Cox, Davidson Davis of Elkhart, Davis of Floyd, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Marshall, Jump, Lamborn, Long, McBride, Millekan, Miller, Miles, Mitchell, Montgomery, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Vardeman, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Zenor, Zollars, and Mr. Speaker—69.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Ruddell moved that the House now proceed to take up House bill No. 52.

Which was not agreed to.

Mr. Pierce, of Porter, moved that Senate bills Nos. 83 and 84 be taken up and read a third time now.

Which was agreed to.

Mr. Zollars moved that the House now proceed to take up Senate bills on second reading.

Which was agreed to.

Mr. Field, of Lake, obtained leave of absence for next week.

Engrossed Senate Bill No. 83, entitled "A bill to amend section two of an act entitled an act making the register of sales of Michigan Road lands, and certified copies of entries therein, evidence,

and declaring the effect thereof, and making the records and patents and certificates of purchase, and other evidence in writing of the sale of real estate, and certified copies of such records evidence, and declaring the effect thereof;" approved March 9, 1859.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Bates, Beatty, Beeler, Bobo, Bowen, Breckinridge, Calvert, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Marshall, Jump, Lamborn, Long, McBride, McDonald, Millekan, Miller, Miles, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Ratliff, Sabin, Shoaff, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Vardeman, Wildman, Williams of Hamilton, Welborn, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor, Zollars, and Mr. Speaker—68.

None voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Stanton moved to suspend the constitutional rule requiring bills to be read on three several days, for the purpose of taking up all Senate bills on second reading and read a second and third time and put upon their passage.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Bates, Beatty, Beeler, Bobo, Bowen, Breckinridge, Calvert, Chapman, Chittenden, Coffroth,

Cory, Cotton, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Marshall, Lamborn, Long, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Neff, Odell, Osborn, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Welborn, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—67.

Those who voted in the negative were,

Messrs. Cox, Montgomery and Williams of Knox—3.

So it was deemed expedient to suspend the rule, and the following bills were read :

Engrossed Senate bill No. 84, "A bill to repeal section 31 of an act entitled 'An act concerning real property, and the alienation thereof;' approved May 6, 1852.

Was read a first and second time by title.

On motion, the bill was considered as engrossed for a third reading now.

Engrossed Senate bill No. 84.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Beatty, Beeler, Bobo, Bowen, Breckinridge, Calvert, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Floyd, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Marshall, Long, McBride, McDonald, McGregor, Millekan, Miller, Miles, Mitchell, Montgomery, Neff, Odell, Overmyer, Osborn, Palmer, Pierce of Vigo, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Sunman, Tebbs,

Vardeman, Welborn, Wildman, Williams of Hamilton, Williams of St. Joseph, Zenor, Zollars and Mr. Speaker—66.

Those who voted in the negative were,

Messrs. Bates, Williams of Knox and Williams of Union—3.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Engrossed Senate bill No. 134, entitled "A bill to authorize and encourage the construction of levees, dikes and drains, and the reclamation of wet and overflowed lands by incorporated associations, and to repeal all former laws relating to the same subject."

Was read a first time by title, and a second time by sections.

Mr. Long moved to refer the bill to the Committee on the Judiciary.

Which was agreed to.

Engrossed Senate bill No. 134, entitled "A bill to authorize and encourage the construction of levees, dikes and drains, and the reclamation of wet and overflowed lands by incorporated associations, and to repeal all former laws relating to the same subject."

SENATE BILLS ON SECOND READING.

Engrossed Senate bill No. 211. "A bill defining what counties shall constitute the Eighth Judicial Circuit, and fixing the times of holding the courts therein."

Was read a second time, and passed to a third reading.

Engrossed Senate bill No. 100. "An act to amend the sixth section of an act for the relief of the Indiana University, and to increase and extend its benefits by providing for the sale of lands

granted by the United States for the use of the said University, regulating the application of the proceeds of the sales thereof, and prescribing the duties of the officers therein mentioned in relation thereto;" approved March 2, 1859.

Was read a second time, and passed to a third reading.

The Speaker laid before the House the following communication from his Excellency the Governor:

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, April 30, 1869. }

MR. SPEAKER:

By direction of the Governor, I have the honor to submit herewith his message transmitting a proposition from the Board of Commissioners of Marion county in relation to the Agricultural College.

JNO. M. COMMONS, *Private Secretary.*

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, April 30, 1869. }

Gentlemen of the Senate and House of Representatives:

I herewith respectfully transmit for your consideration a communication from the Board of Commissioners of Marion county, Indiana, proposing to donate the sum of seventy-five thousand dollars, in addition to the sum of one hundred thousand dollars heretofore offered by them, for the use of the Agricultural College.

CONRAD BAKER.

To His Excellency, Conrad Baker:

The Board of County Commissioners of Marion county, State of Indiana, desire, through you, to propose to the Senate and House of Representatives a donation of seventy-five thousand dollars, in addition to the sum of one hundred thousand dollars, heretofore offered by them, for the use of the State Agricultural College, provided the same be located in Marion county; said amount to be paid with county bonds, payable the one-half in ten and the one-half in

twenty years from the date thereof, and bearing six per cent. interest per annum.

JOSEPH ENGLISH,
AARON McCRAY,
LORENZO VANSYOC,
Commissioners.

INDIANAPOLIS, April 30, 1869.

Mr. Stanton moved that the communication be referred to the Committee on Agriculture.

Which was agreed to.

Mr. Zollars moved that Senate bill No. 161 be made the special order for Tuesday at 9 o'clock.

Which was agreed to.

Mr. Gordon moved that Senate bill No. 211 be made the special order for Tuesday next at 2 o'clock.

Messrs. Gordon and Higbee demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Beeler, Bobo, Bowen, Breckinridge, Calvert, Chapman, Coffroth, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Fairchild, Field of Lake, Field of Lagrange, Gilham, Gordon, Hall, Higbee, Higgins, Hutchings, Hutson, Johnson of Marshall, Long, Mason, McBride, McGregor, Millekan, Miller, Mitchell, Montgomery, Pierce of Vigo, Overmyer, Ratliff, Ruddell, Sabin, Shoaff, Smith, Stanton, Stephenson, Stewart of Ohio, Sunman, Tebbs, Vardeman, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Zenor, and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Admire, Bates, Beatty, Chittenden, Cory, Cotton, Dittmore, Fuller, Hamilton, Hyatt, Jump, Lamborn, Miles, Neff, Odell, Osborn, and Zollars—17.

So the motion by Mr. Gordon prevailed.

Mr. Coffroth moved that Senate bill No. 240 be made the special order for Tuesday next at 3 o'clock.

Which was agreed to.

Mr. Bobo moved that Senate bill No. 215 be made the special order for Wednesday next at 11 o'clock.

Which was agreed to.

Mr. Ruddell moved that House bill No. 52 be made the special order for Wednesday next at 10 o'clock.

Which was agreed to.

On motion of Mr. Chittenden, the House adjourned.

WEDNESDAY MORNING, 9 o'clock, }
 May 5, 1869. }

The House met.

Mr. Underwood moved to dispense with the reading of the Journal.

Which was agreed to.

Mr. Underwood, from the Committee on Engrossed Bills, submitted the following report :

MR. SPEAKER :

Your Committee on Engrossed House Bills Nos. 314, 351, 370, and 386, have compared the same with the original, and find them correctly engrossed.

Mr. Underwood, from the Committee on Engrossed Bills, submitted the following report :

MR. SPEAKER :

Your Committee on Engrossed bill No. 299, have compared the same with the original, and find the same correct.

Mr. Gordon moved to suspend the order of business and take up Senate bills.

Which was not agreed to.

Mr. Overmyer, by consent, from the special committee of conference on House bill No. 90, submitted the following report :

MR. SPEAKER :

The committee of conference appointed by the Senate and House of Representatives, on the subject of the disagreement of the House to the Senate amendment to House bill No. 90, have

conferred upon that subject, and recommend that the House recede from its disagreement to Senate amendments, and concur in the same, as heretofore set forth, in the Journal of the House on Tuesday, April 27, 1869.

Which report was laid on the table.

The Speaker announced that he had signed enrolled House bill No. 64.

Ordered, That the Clerk inform the Senate thereof.

REPORTS OF STANDING COMMITTEES.

Mr. Dunn, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred House bill No. 389, an act to authorize the Governor of the State to appoint three Commissioners to revise, amend, and remodel the system of Courts in the State, &c., would respectfully report that they have had the same under consideration, and recommend the following amendments thereto:

After the words "to revise and remodel the system of Courts," insert "and of the Code of Practice." The same in section first.

Also, in section second, strike out the words "one hundred and twenty days," and insert "one hundred and fifty days," and when so amended, your Committee recommend the passage of the bill.

Mr. Dunn moved to suspend the order of business, and read the bill a third time now.

No quorum voting.

The Speaker ordered a call of the House.

Those who answered to their names were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Beatty, Beeler, Bobo, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave,

Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lagrange, Fuller, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Marshall, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Lamborn, Logan, Long, Mason, McBride, McDonald, McFadin, McGregor, Miller, Miles, Mitchell, Monroe, Montgomery, Neff, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Shoaff, Shoemaker, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Taber, Tebbs, Underwood, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Zenor and Mr. Speaker—78.

On motion, further proceedings under the call were dispensed with.

The question being on the motion by Mr. Dunn to suspend the order of business,

Messrs. Mitchell and Vater demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Beeler, Bobo, Bowen, Breckinridge, Chittenden, Coffroth, Dunn, Fairchild, Gilham, Hall, Hamilton, Hutchings, Johnson of Parke, Johnson of Marshall, Kercheval, Long, Mason, McBride, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Stanton, Stewart of Ohio, Stewart of Rush, Taber, Tebbs, Underwood, Vardeman, Vater, Wildman, Williams of St. Joseph, Williams of Union and Mr. Speaker—40.

Those who voted in the negative were,

Messrs. Addison, Admire, Barnett, Beatty, Britton, Calvert, Carnahan, Cave, Chapman, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Field of Lagrange, Fuller, Gordon, Greene, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Jump, Lamborn, Logan, McDonald, McFadin, McGregor, Miles, Mock, Montgomery, Neff, Palmer, Ratliff, Sabin, Shoaff, Shoemaker, Sleeth, Smith, Sunman, Williams of Hamilton, Williams of Knox and Zenor—44.

So the motion did not prevail.

Mr. Hamilton asked and obtained leave of absence on account of sickness.

Mr. Coffroth, from the Committee on the Judiciary, submitted the following report :

MR. SPEAKER :

The Committee on the Judiciary, to whom was referred Senate bill No. 286, entitled "A bill to incorporate the Franklin Insurance Company," have had the same under consideration, and do now report the same back and recommend its passage.

Which report was laid on the table.

Mr. Sabin, from the Committee on Claims, made the following report :

MR. SPEAKER :

The Committee on Claims, to whom was referred the claim of Peter McKosker, for \$50 and interest at the rate of 6 per cent. per annum from the 18th day of June, 1857, to date, for money paid the State of Indiana for 40 acres of swamp lands, while the title to the same was vested in one Thomas L. Ewing by the United States, have had the same under consideration, and have instructed me to report the same back to the House and recommend its allowance.

Which report was concurred in.

Mr. Sabin, from the Committee on Claims, made the following report :

MR. SPEAKER :

The Committee on Claims, to whom was referred the claim of Gutenberg Co. for \$82.40, for 1,030 copies of the *Daily Telegraph* furnished on the first days of this session, have had the same under consideration, and have instructed me to report the same back, recommend its allowance, and ask that it be incorporated in the Specific Appropriation Bill for payment.

Which report was concurred in.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the President of the Senate has signed enrolled House bill No. 64, and the same is herewith returned to the House.

Mr. Sabin, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of Jared Cothrell, for \$65 for 13 cords of wood furnished Camp Allen in 1863, for the use 143d Regiment Indiana Volunteers, and \$34 for hauling 17 loads of commissary stores for said regiment upon the order of the commandant of said camp, have had the same under consideration, and have instructed me to report the same back to the House, recommend its passage, and that it be incorporated in the Specific Appropriation Bill for payment.

Which report was concurred in.

Mr. Sabin, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the resolution of the House allowing Messrs. J. H. Ruddell, E. C. Field, J. Lam-born, C. R. Cory, H. G. Davis, S. J. Barrett, Wm. Y. Monroe and B. F. Williams, members of the House Committee on State Prisons, \$35 each, to cover necessary expenses in visiting said Prisons, have had the same under consideration, and have instructed me to report the same back to the House and recommend that said parties be allowed \$10 each to cover necessary expenses.

Which report was concurred in.

Mr. McGregor, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have compared engrossed House bills Nos. 361 and 375 with the original, and find the same correct.

Mr. Sabin, from the Committee on Claims, made the following report :

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of Wm. B. Prather at the late regular session of the General Assembly, for \$500 for 100 days' service as Assistant Clerk of the late Morgan Raid Commission, and for which service \$300 was allowed at the late session of the General Assembly, have again had said claim under consideration, and have instructed me to report the same back to the House, and recommend that said Parther be allowed the sum of \$100 additional for said services, and that the same be incorporated in the Specific Appropriation Bill.

The question being on concurring in the report of the Committee,

Messrs. Cory and Mitchell demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Chapman, Chittenden, Davidson, Davis of Elkhart, Fairchild, Field of Lagrange, Gilham, Greene, Hall, Hamilton, Higbee, Hutchings, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Long, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Vigo, Sabin, Shoaff, Shoemaker, Smith, Stewart of Ohio, Stewart of Rush, Taber, Tebbs, Underwood, Vardeman, Wile, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, Zenor and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bobo, Britton, Calvert, Carnahan, Cave, Cory, Cotton, Cox, Dunn, Gordon, Hyatt, Logan, McBride, McDonald, McFadin, McGregor, Miles, Mock, Montgomery, Neff, Palmer, Pierce of Porter, Sleeth, Sunman and Williams of Knox—28.

So the report was concurred in.

H. J. Ex. S.—25.

Mr. Fuller moved to take up the following report of the Committee on Claims, heretofore laid on the table :

MR. SPEAKER :

The Committee on Claims, to whom was referred the claim of Samuel Beatty, for \$161.50, for attorney's fees and expenses in the contested election case of Beatty *vs.* Peelle, for a seat in this House, have had the same under consideration, and have instructed me to report the same back and recommend its allowance.

Which was agreed to.

Mr. Fuller moved, also, to take up the following report of the Committee on Claims, heretofore laid on the table :

MR. SPEAKER :

The Committee on Claims, to whom was referred the claim of James Peelle, for \$100.00, attorney's fees in the contested election case of Beatty *vs.* Peelle, have had the same under consideration, and have instructed me to report the same back and recommend its allowance.

Which was agreed to.

Mr. Monroe offered the following amendment:

"Amend by allowing one hundred dollars (\$100.00) to each of the parties."

Mr. Fuller moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the adoption of the amendment by Mr. Monroe,

Messrs. McDonald and Cory demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Cory, Cotton, Cox, Davidson, Dunn, Field of Lagrange, Gordon, Greene, Higgins, Hutchings, Hyatt, Johnson of Montgomery, Lamborn, Logan, Monroe, Montgomery, Overmyer, Palmer, Pierce of Vigo, Sabin, Smith, Stewart of Ohio, Stewart of Rush, Taber, Tebbs, Underwood, Williams of Knox, and Mr. Speaker—33.

Those who voted in the negative were,

Messrs. Admire, Baker, Barnett, Barritt, Bowen, Chapman, Coffroth, Davis of Elkhart, Fairchild, Fuller, Gilham, Hall, Hamilton, Higbee, Hutson, Johnson of Parke, Johnson of Marshall, Long, Miles, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Mitchell, Mock, Neff, Osborn, Pierce of Porter, Ratliff, Ruddell, Shoaff, Shoemaker, Sleeth, Stanton, Stephenson, Sunman, Varde-man, Vater, Wile, Williams of Hamilton, Williams of Union, Wilson, and Zenor—48.

So the amendment was not agreed to.

The question recurring on the motion to indefinitely postpone,

It was agreed to.

Mr. Vater, from the Committee on Military Affairs, made the following report:

MR. SPEAKER:

Your committee to whom was referred House bill No. 338, "A bill amending sections 4, 13, and 15 of an act to establish a Home for the maintainance of sick and disabled Indiana soldiers and seamen and their orphans and widows," approved March 11, 1867, and supplemental thereto, have had the same under consideration, and, after the adoption of the following amendments, recommend its passage:

1st. Amend by adding to section three (3) the following, viz: "*Provided*, Not more than fifty days' service shall be allowed or paid for in any one year to any one Trustee."

2d By inserting after the word "may," in line eight, section four, the following, to-wit: "With the consent of the parent or guardian."

3d. By inserting after the word "in," before "the," in the fourteenth line, of the same section, the following words, to-wit: "And which is not in accordance with all the provisions of," and after the word "apprentice," in the fifteenth line, of the same section, the following words, to-wit: "And which are not inconsistent with the provisions of this act."

4th. By striking out section five (5).

5th. By striking from the title, after the figures "1867," the words "And supplemental thereto."

Which, on motion, was laid on the table.

The Speaker announced that he had signed Enrolled Acts of the House Nos. 341 and 62.

Mr. Coffroth presented a claim of Theodore Horton, for ten days attendance as witness before the Committee on Arbitrary Arrests, session of 1863, for thirty-five dollars (\$35.00).

Which was referred to the Committee on Claims.

Mr. Mitchell, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:

The Committee on Enrolled Bills have carefully compared Enrolled House bills Nos. 341 and 62 with the engrossed bills, and find them in all respects correctly enrolled.

Mr. Gordon, by leave, offered the following resolution:

WHEREAS, General Milo S. Hascall, commanding the District of Indiana during the late rebellion, is in the city; therefore,

Resolved, That he be invited to a seat within the bar of the House.

Which was agreed to.

Mr. Fuller moved that the House now proceed to the consideration of the special order for the hour, being House bill No. 52.

Which was agreed to.

Message from the Senate by Mr. Wilson, the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the President of the Senate has signed enrolled acts Nos. 62 and 341, House of Representatives, and the same is herewith returned to the House.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed engrossed Senate bill No. 295, entitled a bill authorizing the assessment of lands for plank, macadamized, and gravel road purposes, and prescribing the manner of assessing and collecting the same, and repealing the law on that subject, approved March 11, 1867.

In which the House is requested to concur.

SPECIAL ORDER FOR THE DAY.

House bill No. 52. A bill to authorize the assessment of land for the construction of plank and macadamized road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject, approved March 11, 1867, with the amendments heretofore reported by the committee of the whole House, was taken up.

Mr. Odell offered the following amendment:

SECTION —. Any such company heretofore organized or hereafter to be organized, shall have the right to enter upon the lands adjacent to the road, and to construct ditches and drains, for the purpose of draining said road, doing no unnecessary damage, and shall have the right to appropriate any earth, timber, gravel or stone, belonging to any person, for the construction, and keeping

in repair such roads, by giving the owner thereof five day's notice of their intention so to do; when it shall be the duty of said company to select a disinterested appraiser, who shall, under oath, appraise the same, and should they fail to agree, they shall select an umpire, and when such appraisement is made, said company upon tendering the appraised value thereof to the owner, may at once enter upon the lands and proceed to remove the said material; and should such owner fail or refuse to select an appraiser as above provided, the said company may select both, and if said owner is not satisfied with such appraisement, he may appeal therefrom to the Circuit or Common Pleas Court: *Provided, however*, that such appeal shall not prevent the company from removing and making use of such material.

Which was agreed to.

Mr. Vater offered the following amendment:

Add to first section, *Provided*, That after the assessment is made, the said company shall present to the said Commissioners the written consent of a majority of the property holders so assessed to such assessment.

Mr. Higgins moved to lay the amendment on the table.

Messrs. Vater and Monroe demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barritt, Beeler, Bowen, Breckinridge, Chapman, Chittenden, Fairchild, Field of Lagrange, Gilham, Greene, Hall, Higbee, Higgins, Hutson, Jump, Kercheval, Millekan, Miller, Mock, Odell, Palmer, Pierce of Porter, Ratliff, Ruddell, Sabin, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Underwood, Wildman, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—41.

Those who voted in the negative were,

Messrs. Admire, Barnett, Beatty, Britton, Calvert, Carnahan, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Dittmore, Dunn, Fuller, Gordon, Hyatt, Johnson of Montgomery, Johnson of Parke,

Johnson of Marshall, Lawler, Lamborn, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Mitchell, Monroe, Montgomery, Neff, Osborn, Overmyer, Pierce of Vigo, Shoaff, Taber, Vardeman, Vater, Wile, Williams of Hamilton and Zenor—42.

So the motion to lay on the table did not prevail.

Mr. Bobo moved to take up engrossed Senate bill No. 215, and make the same the special order for to-morrow at 10 o'clock.

Which was agreed to.

The question being on the amendment offered by Mr. Vater to the amendments heretofore offered by the committee.

Mr. Stephenson moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the adoption of the amendment offered by Mr. Vater.

Messrs. Vater and Monroe demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Admire, Britton, Calvert, Carnahan, Cory, Cotton, Davidson, Dittmore, Dunn, Fuller, Gordon, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Marshall, Long, McBride, McDonald, McGregor, Mitchell, Monroe, Neff, Osborn, Overmyer, Pierce of Vigo, Shoaff, Shoemaker, Sleeth, Vater, Williams of Hamilton and Zenor—29.

Those who voted in the negative were,

Messrs. Addison, Baker, Barnett, Barritt, Beeler, Cave, Chittenden, Coffroth, Cox, Davis of Elkhart, Fairchild, Field of LAGRANGE, Furnas, Gilham, Greene, Hall, Higbee, Higgins, Hutson, Johnson of Parke, Jump, Lawler, Lamborn, Logan, Mason, McFadin, Millekan, Miller, Mock, Montgomery, Odell, Palmer, Pierce of Porter, Ratliff, Ruddell, Sabin, Smith, Stanton, Stephenson,

Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vardeman, Wile, Wildman, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—52.

So the amendment was not agreed to.

The question recurring on the amendment reported by the Committee of the Whole House,

Messrs. Vater and Cory demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Beatty, Beeler, Bowen, Chittenden, Coffroth, Cory, Cox, Davidson, Davis of Elkhart, Dittmore, Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Parke, Johnson of Marshall, Jump, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McFadin, Millekan, Miller, Mitchell, Mock, Montgomery, Odell, Overmyer, Palmer, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoemaker, Sleeth, Smith, Stanton, Stephenson, Stewart of Rush, Taber, Tebbs, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor and Mr. Speaker—72.

Those who voted in the negative were,

Messrs. Admire, Barnett, Britton, Calvert, Carnahan Cave, Cotton, Johnson of Montgomery, McGregor, Miles, Monroe, Neff, Osborn, Shoaff and Sunman—15.

So the amendment was agreed to.

Mr. Fuller moved that the House do now adjourn.

Which was not agreed to.

Mr. Chittenden moved that the bill be ordered to its engrossment.

Mr. Cory offered the following amendment:

Amend by inserting appropriately,—“The commissioners shall in no case, appoint assessors to examine and determine as to the

amount of tax that each person included within the prescribed limits shall pay, unless a majority of the property-holders within said limits shall petition for their appointment."

Mr. Stanton moved to lay the amendment offered by Mr. Cory on the table.

Messrs. Cory and Stanton demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Beatty, Beeler, Bowen, Calvert, Chittenden, Cox, Davidson, Davis of Elkhart, Fairchild, Field of Lagrange, Furnas, Gilham, Hall, Hamilton, Higbee, Higgins, Hutson, Hyatt, Jump, Lamborn, Long, McFadin, Millekan, Miller, Mock, Montgomery, Odell, Palmer, Pierce of Porter, Ratliff, Rudell, Sabin, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Admire, Barritt, Britton, Carnahan, Cave, Cory, Cotton, Dittimore, Gordon, Greene, Johuson of Montgomery, Lawler, Logan, Mason, McBride, McGregor, Miles, Mitchell, Monroe, Neff, Osborn, Overmyer, Shoaff, Shoemaker, Sunman, Vater, Williams of Knox and Zenor—28.

So the motion to lay on the table prevailed.

Mr. Osborn moved to amend by adding the following:

SEC. —. That when any termini of a gravel road shall be at or in any city or incorporated town, the provisions of this bill for assessments shall not apply to town or city lots, or tracts of land within the city or town.

Which was not agreed to.

Mr. Chittenden moved the previous question; which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the motion to order the bill to its engrossment,

It was so ordered.

On motion by Mr. McFadin, the House adjourned.

WEDNESDAY, 2 O'CLOCK, P. M.

The House met.

Mr. Miles, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined and compared engrossed House bill No. 371 with the original, and find the same correct.

Mr. McGregor, from the Committee on Engrossed Bills, submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have carefully compared engrossed House bill No. 287 with the original bill, and find it in all respects correctly engrossed.

Mr. McDonald, from the Committee on Engrossed Bills, submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have carefully compared engrossed House bills Nos. 154 and 384 with the original bills, and find them in all respects correctly engrossed.

Mr. Stanton moved to make House bill No. 52 the special order for 4 o'clock this afternoon.

Which was agreed to.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bills No. 279 and 288,

The same was taken up.

Mr. Coffroth moved that Senate bill No. 156, special order for 3 o'clock, P. M., be taken up as soon as the special order pending be disposed of.

Which was agreed to.

Mr. Coffroth moved that House bill No. 288, "A bill amending sections 4 and 8 of an act to regulate and license the sale of spirituous, malt, vinous and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contrary to the provisions of this act, and prescribing penalties for violation thereof," approved March 5, 1859,

Be indefinitely postponed.

Messrs. Coffroth and Admire demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Admire, Barritt, Bates, Beeler, Bobo, Calvert, Carnahan, Cave, Coffroth, Cotton, Davis of Floyd, Hutchings, Lawler, Mason, McBride, Neff, Odell, Shoemaker, Sleeth, Sunman, Wile, Williams of Knox, Zenor and Zollars—25.

Those who voted in the negative were,

Messrs. Addison, Baker, Barnett, Beatty, Bowen, Britton, Breckinridge, Chapman, Chittenden, Davidson, Davis of Elkhart, Dittmore, Dunn, Fairchild, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Higbee Higgins, Hutson, Hyatt, Johnson of Parke, Johnson of Marshall, Jump, Lamborn, Mason, McDonald, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Osborn, Over-

myer, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Smith, Stephenson, Stewart of Ohio, Taber, Underwood, Vardeman, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union and Mr. Speaker—55.

So the motion by Mr. Coffroth did not prevail.

Mr. Wildman moved to suspend the constitutional rule, requiring bills to be read on three several days, that the bill may be read a second time by title, and a third time by sections now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Barritt, Bates, Beatty, Bobo, Bowen, Britton, Breckinridge, Calvert, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Parke, Johnson of Marshall, Jump, Lamborn, Logan, Long, Mason, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Taber, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor and Mr. Speaker—76.

Those who voted in the negative were,

Messrs. Admire, Beeler, Carnahan, Cave, Johnson of Montgomery, Lawler, McBride, Neff, Pierce of Vigo, Sunman and Zollars—11.

So it was deemed expedient to suspend the constitutional rule.

Mr. Baker moved a call of the House.

It was so ordered.

Those who answered to their names were,

Messrs. Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave,

Chapman, Chittenden, Coffroth, Cory, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Higgins, Higbee, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Johnson of Parke, Jump, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McFadin, McGregor, Milekan, Miller, Miles, Mitchell, Mock, Monroe, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—89.

Mr. Mitchell moved that the lobbies be cleared, doors closed, and absentees sent for.

Which was agreed to.

Mr. Coffroth moved to reconsider the vote just taken.

Which was agreed to.

Mr. Underwood moved to lay the motion by Mr. Mitchell on the table.

Messrs. Mitchell and Ruddell demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Chapman, Coffroth, Cotton, Cox, Davis of Elkhart, Davis of Floyd, Fairchild, Field of Lagrange, Fuller, Gilham, Greene, Hall, Hutchings, Hutson, Hyatt, Jump, Logan, Long, Mason, McFadin, Millekan, Miller, Monroe, Montgomery, Neff, Osborn, Overmyer, Palmer, Pierce of Porter, Sabin, Shoaff, Smith, Sunman, Taber, Tebbs, Underwood, Wile, Wildman and Williams of Hamilton—46.

Those who voted in the negative were,

Messrs. Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Chittenden, Cory, Davidson, Dittemore, Dunn, Gordon, Higbee,

Higgins, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Lawler, Lamborn, McBride, McDonald, McGregor, Miles, Mitchell, Mock, Odell, Pierce of Vigo, Ratliff, Ruddell, Shoemaker, Sleeth, Stanton, Stephenson, Stewart of Ohio, Vardeman, Vater, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—44.

So the motion to lay on the table prevailed.

Mr. Coffroth moved to dispense with further proceedings under the call.

Which was agreed to.

Mr. Wildman moved that House bill No. 288, be considered as engrossed.

Which was agreed to.

House bill No. 288. A bill amending sections four and eight of an act to regulate and license the sale of spirituous, vinous, malt, and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contrary to the provisions of this act, and prescribing penalties for the violation thereof, approved March 5, 1859.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Breckiridge, Chapman, Chittenden, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lagrange, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Hyatt, Johnson of Parke, Johnson of Marshall, Jump, Lamborn, Mason, Millekan, Mitchell, Mock, Monroe, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Smith, Stephenson, Stewart of Ohio, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph and Williams of Union—50.

Those who voted in the negative were,

Messrs. Admire, Barritt, Bates, Bobo, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Davis of Floyd, Dittimore, Fuller, Hutchings, Johnson of Montgomery, Lawler, Long, McBride, McDonald, McFadin, McGregor, Miles, Montgomery, Neff, Odell, Palmer, Pierce of Vigo, Shoemaker, Sunman, Wile, Williams of Knox, Wilson, Zenor and Mr. Speaker—34.

So the bill failed to pass for the want of a constitutional majority.

Mr. Chapman moved to lay House bill No. 279 on the table.

Which was agreed to.

Mr. Ruddell moved that House bill No. 52 be taken up, the same being the special order for 4 o'clock.

Mr. Coffroth moved to postpone the special order, and to take up Senate bill No. 156.

Which was agreed to.

Engrossed Senate bill No. 156. A bill accepting certain donations from John Perdue and others, and locating and naming the College contemplated by the act of Congress, approved July 2, 1862, providing for its organization and management, adding a member to the Trustees of the Indiana Agricultural College, and changing the corporate name of said Trustees, and declaring an emergency.

Was read a second time.

Mr. Davis of Floyd, in the Chair.

Mr. Buskirk moved to amend by adding the following to the second section :

Provided, That said College is so located upon the express condition that the State of Indiana shall never appropriate anything for the purpose of endowing said College, or for the purpose of extending or improving buildings connected therewith, or make

any appropriation for any other purpose for the benefit of, or in connection with said College. *And provided further*, that if the aforesaid donations of John Perdue and others, made for the benefit of the College aforesaid, are not secured in a legal manner to the Trustees of said College, within thirty days from the day of the location of said College, that said location shall become null and void.

Mr. Osborn moved to lay the amendment on the table.

Messrs. Mitchell and Buskirk, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Admire, Barritt, Bates, Beeler, Calvert, Cave, Chittenden, Davis of Floyd, Dittemore, Dunn, Fuller, Gilham, Higbee, Hutchings, Hutson, Hyatt, Johnson of Parke, Johnson of Marshall, Jump, Lawler, Logan, Miller, Mitchell, Mock, Neff, Odell, Osborn, Palmer, Pierce of Porter, Sabin, Shoaff, Sleeth, Smith, Stephenson, Taber, Underwood, Vardeman, Wile, Williams of Hamilton, and Wilson—43.

Those who voted in the negative were,

Messrs. Baker, Beatty, Britton, Breckinridge, Carnahan, Chapman, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Fairchild, Furnas, Gordon, Greene, Hall, Higgings, Johnson of Montgomery, Lamborn, Long, Mason, McBride, McFadin, McGregor, Millekan, Miles, Monroe, Montgomery, Overmyer, Pierce of Vigo, Ratliff, Ruddell, Shoemaker, Stanton, Stewart of Ohio, Suman, Vater, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor, and Mr. Speaker—41.

So the motion to lay on the table prevailed.

Mr. Coffroth moved to order the bill to a third reading, and make the same the special order for 9½ o'clock to-morrow morning, and on the same moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the motion by Mr. Coffroth.

Messrs. Johnson of Parke, and Buskirk, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barnett, Bates, Bowen, Britton, Breckinridge, Carnahan, Chittenden, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Fairchild, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Higgins, Hutson, Johnson of Montgomery, Johnson of Marshall, Lawler, Lamborn, Mason, McDonald, McFadin, McGregor, Millekan, Miller, Mitchell, Mock, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Sabin, Shoaff, Shoemaker, Sleeth, Smith, Stephenson, Taber, Underwood, Vater, Wile, Williams of Hamilton, Wilson and Zollars—58.

Those who voted in the negative were,

Messrs. Barritt, Beeler, Bobo, Calvert, Cave, Dittemore, Dunn, Fuller, Higbee, Hyatt, Johnson of Parke, Jump, Logan, McBride, Monroe, Ratliff, Ruddell, Stanton, Stewart of Ohio, Sunman, Wildman, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor and Mr. Speaker—26.

So the motion by Mr. Coffroth prevailed.

Mr. Ruddell moved that the House now take up House bill No. 52.

Which was agreed to.

The Speaker ordered a call of the House.

Those who answered to their names were,

Messrs. Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dunn, Fairchild, Field of Lagrange, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, H. J. Ex. S.—26.

Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Odell, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Sunman, Taber, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—80.

By consent the further call was dispensed with.

Mr. Underwood, from the Committee on Engrossed Bills, submitted the following report:

MR. SPEAKER:

The Committee on Engrossed Bills have carefully compared engrossed House bill No. 380 with the original bill, and find it in all things correctly engrossed.

House bill No. 52. "A bill to authorize the assessment of lands for the construction of plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Breckinridge, Calvert, Carnahan, Chapman, Chittenden, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dunn, Fairchild, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Hyatt, Johnson of Parke, Johnson of Marshall, Jump, Lawler, Lamborn, Logan, Long, Mason, McDonald, McFadin, Millekan, Miller, Mitchell, Mock, Odell, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Smith, Stanton, Stewart of Ohio, Taber, Underwood, Vardeman, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—70.

Those who voted in the negative were,

Messrs. Admire, Barritt, Cave, Hutchings, Johnson of Montgomery, Miles, Monroe, Montgomery and Sunman—9.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Odell moved to reconsider the vote by which the amendment offered by Mr. Buskirk to Senate bill No. 156, was laid on the table

Mr. Mitchell moved that the House do now adjourn.

Which was agreed to.

THURSDAY MORNING, 9 o'CLOCK, }
 May 6, 1869. }

The House met.

On motion by Mr. Ratliff, the reading of the journal was dispensed with.

Mr. Davis of Floyd, by consent from the special committee on House bill No. 119, "A bill making an appropriation of four hundred thousand five hundred and ninety-nine dollars and forty-eight cents, to pay the claims of sufferers by the Morgan raid," made the following report:

MR. SPEAKER:

The select committee of one from each Congressional District, to whom was referred House bill No. 119, making an appropriation for the payment of the claims of the sufferers by the Morgan raid, have had the same under consideration, and submit the following report:

By a concurrent resolution passed by the Senate and House of Representatives on the 11th of March, 1867, it was provided that the Governor of the State should appoint three commissioners, whose duty it should be "to hear, determine and adjust these claims," and also an attorney, who was specially charged with the duty of "looking after and protecting the interests of the State."

The officers were required to take an oath faithfully to discharge their duties, and were clothed with ample powers, and required in the most careful manner, by the examination of disinterested witnesses, under oath, in addition to the oath of the claimant, to ascertain what claims were equitable and just, and the smount thereof; and after making accurate record of such evidence and their findings, to report the same to the Governor, who was required to communicate the same to the General Assembly, with his recommendations thereto.

In pursuance of the careful enactment of the Legislature, the Governor selected Col. John I. Morrison, of Marion, Col. Smith Vawter, of Jennings, and the Rev. John McCrea, of Monroe, said commissioners, and Thomas M. Brown, Esq., of Randolph county, as the attorney for the State.

The high character of this gentleman, and the fact that, with one exception, they all live in counties having no immediate interest in the claims, leave no room to doubt that they discharged their duties faithfully and impartially, and that their opinions and findings are entitled to the highest consideration.

That this was the opinion of the Governor, is shown by the fact that he submitted the report to the General Assembly with his endorsement and approval.

In order to a proper understanding of the claims we copy that portion of said report which is preliminary to the statement of the amount allowed in each case, as follows :

“It may not be inappropriate for the undersigned, Commissioners on Morgan Raid Claims, to give a brief history of the circumstances creating the necessity for this Commission, and the character of the claims, and the reason why those who have suffered loss have waited so long and patiently in the belief that sooner or later they would be paid.

It is a part of the history of the rebellion that the rebel general John H. Morgan, with a large force, crossed the Ohio river into Indiana at Mauckport, in Harrison county, on the evening of the 8th of July, 1863, from which point the raid extended eastwardly through the entire State. The people were much alarmed and excited, and hastily armed themselves and prepared to resist the invasion. On the 9th of July, 1863, Governor Morton, as Commander-in-Chief, issued the following order :

EXECUTIVE OFFICE, }
INDIANAPOLIS, July 9, 1863. }

General Order No. —.

Satisfactory evidence having been received that the rebels have invaded Indiana in considerable force, it is hereby ordered and re-

quired, that all able-bodied white male citizens in the several counties south of the National Road forthwith form themselves into companies of at least sixty persons, elect officers, and arm themselves with such arms as they may be able to procure. Said companies will perfect themselves in military drill as rapidly as possible, and hold themselves subject to further orders from this Department. The people in all other parts of the State are earnestly requested to form military companies, and hold themselves subject to orders. Prompt reports of the formation of companies should be forwarded by telegraph.

All officers of the Indiana Legion are charged with the execution of this order, and all United States officers are requested to render such assistance as may be in their power.

(Signed,)

O. P. MORTON,

Governor of Indiana.

This order was telegraphed to the southern counties, and in obedience thereto, the Indiana Legion, and such companies of volunteers as could be formed, hastened to the scene of conflict.

The first resistance of importance was near Corydon, Harrison county, in which the Union forces were overpowered by superior numbers, and were captured, with their horses, arms, and accoutrements. Some were killed and wounded on both sides. In this fight were companies of the Legion, and volunteers from the counties of Harrison, Washington, Orange and Floyd, who lost horses, guns, clothing, and were generally robbed of the money in their pockets. Many of the claims for horses and guns, perhaps a majority in this section, were for those lost in this fight. The town having been captured, was, to a great extent, despoiled. The prisoners were detained by the rear guard of Morgan's command, and the main body passed on, and, in many cases, captured on farms, horses, etc., the property of the very men then held prisoners.

What is true of the history of the raid in the beginning, is true along the entire line of march through the State. Many lost all the horses they had, and occurring before the corn was fully laid by, left their crops unfinished, and deprived them of part, and in some cases, all opportunity of putting in wheat in the fall.

Immediately after Morgan and his men, came General Hobson, of the Union army, in pursuit, and his men were glad to get fresh horses; and we are pleased to learn that but few, if any, objected to yielding their horses, or other needed supplies, for the use of Union soldiers. In the hurry of pursuit, but little of the property taken by General Hobson's command could be properly receipted for.

It is proper to state that hundreds of broken down horses were abandoned along the line of the raid by both General Hobson's and Morgan's command, and with these the people could temporarily have supplied their need, but the Provost Marshals, in obedience to the orders of General Wilcox, gathered them into corral, and they were afterward sold at public sale by the officers of the General Government, at Corydon, Salem, Lexington, and other points, by the proper authorities, and quite a large sum realized therefrom.

AUGUST 25, 1863.

Order from General Wilcox, commanding.

All property abandoned by Hobson and Morgan, must be turned over to the nearest Provost Marshal, and penalty for refusing.

On the 18th of July, 1863, Governor Morton issued an order providing, among other things, as follows:

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, July 18, 1863. }

GENERAL ORDER No. —.

Where horses have been pressed into the service, measures have been provided for their immediate return, and Commissioners will be appointed to investigate losses or damages sustained.

(Signed.)

O. P. MORTON,

Governor and Commander-in-Chief.

These horses had, however, passed into the hands of the officers of the General Government, and were beyond Governor Morton's reach: after long delay, the promised Commission has been appointed.

We found many claims along the line of the raid for forage and

commissary stores, which were furnished Union men, Volunteers and Legion, and never have been paid for, and which we allowed in such amounts as we thought fair.

When we thought a claim too high, we reduced it, and if we thought it unfair, rejected it. Such claims as we have allowed were fully and fairly proven, and we think just and equitable.

As far as we can learn, these claims are in the hands of those who lost the property, and were the original sufferers.

The claimants evinced the greatest fairness and candor in testifying to their loss, and the patience with which they have waited for the appointment of the Commission and the payment of the claims, shows that as they were willing to defend the State against invasion, they were willing to trust her justice for protection and indemnity.

Respectfully submitted,

JOHN I. MORRISON,

SMITH VAWTER,

JOHN McCREA,

Commissioners.

The pending bill simply provides for the payment of the claims which the Commissioners have reported to be equitable and just.

That the claimants sustained the losses without any fault of their own is certain.

Many of them at the time were absent from their homes in the military service of the country.

They are generally farmers, poor, or in moderate circumstances, the claims, probably, not averaging over \$200 to the person.

Whatever might be paid under the bill, would be paid to our own injured citizens, for it is a remarkable fact, confirmed by the report of the Commissioners, that the claimants relying upon the justice of the State, notwithstanding the great delay, have kept their claims in their own hands.

As citizens and tax-payers, they are entitled to the protection of the State in their persons and property.

Upon this point we adopt the emphatic language of Governor Morton, in recommending the payment of these claims, to the Legislature of 1865, when he said in his Message :

“ The true theory of our Government is, that it shall protect the people in their persons and property against invasion and loss from the public enemy, or injury by domestic insurrection. Where losses have been sustained, it is much easier for the people of the State to bear them in their collective capacity, than for the particular individual on whom they have fallen.”

It will also be remembered that Governor Baker, in his Message at the late regular session recommended the payment of these claims.

The Committee are informed that some time ago the State of Ohio provided for the payment of a portion of the losses sustained in consequence of the Morgan raid in that State, and that the General Government promptly reimbursed the State the amount so paid, and recently the Ohio Legislature has provided for the payment of the residue of said claims.

Must it be said that the great State of Indiana is less able, or less willing, to protect the property and interests of her suffering citizens, than neighboring States ?

The Committee have every reason to believe, that whatever might be paid out of the State Treasury under this bill would be reimbursed to it by the General Government. The demand of a State always commands more respect and attention at Washington, than the appeals of individual citizens. It is well known that whilst the General Government has but seldom paid such claims directly to the claimants, it has repeatedly reimbursed the States for such payments. In fact, your Committee have been unable to hear of any instance where the General Government refused to reimburse the State in such a case.

These claimants feel that in asking compensation for their losses they are not making an unwarrantable appeal to the more fortu-

nate counties of the State. They were not behind them in responding to the call for soldiers, or in paying taxes to defray the expenses of the war.

Indeed, in some respects, the burdens pressed more heavily upon them, their exposed condition on the border causing constant anxiety and watchfulness, and home military organizations which were repeatedly called into active service, and rendered valuable assistance in the common cause.

The Committee feel that it would be but just and fair, that the "burthens of the war for the preservation of the Union, should be justly distributed among all the citizens of the State who enjoy the blessings that the termination of the war has secured," and they, therefore, report the bill back with the following amendment:

SECTION 3. It is hereby declared that an emergency exists for the immediate taking effect of this act, *therefore*, this act shall be in force from and after its passage.

And when so amended, recommend the passage of said bill.

Mr. Davis moved that the order of business be suspended, and that the bill be read a second time now.

Which was agreed to.

House bill No. 119. A bill making an appropriation of Four hundred and thirteen thousand, five hundred and ninety-nine dollars and forty-eight cents, to pay the claims of the sufferers by the Morgan raid.

Was read a second time, with the amendments.

The question being on the adoption of the amendment.

It was agreed to.

Mr. Dunn moved to make the bill, (House bill No. 119,) the special order for two o'clock to-morrow.

Which was agreed to.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 156, the same was taken up.

Mr. Johnson of Parke, moved to lay the motion to reconsider by Mr. Odell, on the table.

Which was agreed to.

Engrossed Senate bill No. 156. A bill accepting certain donations from John Perdue and others, and locating and naming the College contemplated by the act of Congress, approved July 2, 1862, providing for its organization and management, adding a member to the Trustees of the Indiana Agricultural College, and and changing the corporate name of said Trustees, and declaring an emergency.

Was read third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Beatty, Beeler, Bobo, Bowen, Britton, Breckinridge, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lagrange, Furnas, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, Long, Mason, McBride, McDonald, McGregor, Millekan Miller, Miles, Mitchell, Mock, Neff, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Sunman, Taber, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph Williams of Union, Wilson and Mr. Speaker—76.

Those who voted in the negative were,

Messrs. Admire, Bates, Calvert, Carnahan, Cave, Fuller, Monroe, Montgomery, Shoemaker, Williams of Knox, Zenor and Zollars—12.

So the bill passed.

The question being, shall the title as read stand as the title to the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Coffroth moved to reconsider the vote just taken on the passage of the bill, and on that moved to lay the same on the table.

Which was agreed to.

Mr. Furnas, by consent, from the special Committee of the Senate and House of Representatives, (Joint,) to examine the Geological and Mineralogical collection of the late David Dale Owen, of New Harmony, Indiana, made the following report:

MR. SPEAKER:

Your Committee appointed to visit the Geological, Mineralogical and Scientific Cabinet of the late David Dale Owen, with a view to the purchase of the same for use and benefit of the State of Indiana, have attended to the object of its appointment, and herewith submit the following report:

Notwithstanding the short time allowed the Committee for the examination of this collection, it was amply sufficient to demonstrate that it is both extensive and complete in its collections of Geological and Mineralogical specimens, together with the analytical and philosophical apparatus, and library.

This collection comprises, altogether, about eighty-four thousand specimens, most of which are labeled, classified and arranged in such a manner as to admit of their easy re-arrangement for exhibition.

This work is the result of the untiring energy and perseverance of the late David Dale Owen, M. D., whose official position as State and United States Geologist, together with his extensive acquaintance and travel both in Europe and America, afforded him facilities of no ordinary character for procuring specimens for his cabinet.

It would be utterly impossible for your Committee to epitomise anything like a list or enumeration of this life-work of Dr. Owen. It seems to be complete, as it embraces in its collection from the simplest forms of the primitive elements, to the higher and more elaborate formations of the latest discoveries, rocks and earths, shells and fossils, mineral and vegetable, birds and animals, books and pamphlets, pumps and microscopes, together with many curious works of art gathered from various parts of the earth, are here to be seen at a glance.

In view of the fact that if we do not purchase this collection, it will be removed beyond the limits of the State, and possibly from the United States, and thus the State of Indiana be deprived of the accumulated labor, and scientific research of one of her most gifted sons for many years: therefore,

Resolved, (The Senate concurring,) that the Committee on Ways and Means, be hereby instructed to appropriate the sum of \$20,000 for the purpose of purchasing the collection known as Dr. David Dale Owen's Geological Cabinet; and also to defray the expense of purchase, and the shipping of the same to this place.

Resolved, The Governor is hereby authorized to appoint a judicious person to act in conjunction with the State Geologist, who, together, shall proceed to negotiate for said Cabinet, and if the purchase can be affected on such terms that the whole collection can be delivered at Indianapolis, in such building as the Governor may direct or designate for that purpose, for a sum not to exceed twenty thousand dollars, the Geologist and such person designated by the Governor, shall proceed to contract for said Cabinet, and forthwith box and ship the same to Indianapolis, in the care of the Governor.

Resolved, That the collection so purchased, shall be under the immediate care and supervision of such person as the Governor may designate for that purpose, until further provided by law.

All of which is respectfully submitted,

(Signed.)

A. FURNAS,
DUNN,
CARNAHAN,
VATER,
WILSON,
ROBINSON,
JOHNSON,
HUFFMAN,
WELBORN.

The question being on the adoption of the resolution.

It was agreed to.

Ordered, That the Clerk inform the Senate thereof.

Mr. Miles from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills, to whom was referred engrossed House bill No. 313, have compared the same with the original, and find the same correctly engrossed.

Mr. McGregor made the following report on House bill No. 171.

MR. SPEAKER:

Your Committee to who was referred House bill No. 171, have compared the same with the original, and find it engrossed correctly.

Mr. Underwood, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills, to whom was referred House

bill No. 52, have compared the same with the original, and find the same correctly engrossed.

SPECIAL ORDER FOR THE HOUR.

The hour having arrived for the consideration of Senate bill No. 215, the same was taken up.

Mr. Fuller moved that the constitutional rule be suspended, and read the bill a second time by title, and a third time by sections now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Beatty, Beeler, Bobo, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Kercheval, Lawler, Logan, Long, Mason, McDonald, McFadin, McGregor, Millekan, Miller, Mitchell, Mock, Monroe, Montgomery, Neff, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Shoaff, Shoemaker, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Sunman, Taber, Underwood, Vardeman, Vater, Welborn, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor, Zollars and Mr. Speaker—79.

Those who voted in the negative were,

Messrs. Davis of Elkhart, Johnson of Marshall and Miles—3.

So it was deemed expedient to suspend the Constitutional rule, and the bill, (215) was read a second time by title.

Engrossed Senate bill No. 215. A bill to authorize aid to construction of railroads, by counties and townships taking stock in, and making donations to railroad companies.

Was read a third time.

The question being, shall the bill pass?

Mr. Mitchell moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put.

It was so ordered.

The question recurring on the passage of the bill.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave, Cotton, Davidson, Davis of Floyd, Dittimore, Dunn, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Lamborn, Logan, Long, McBride, McDonald, Millekan, Miller Mitchell, Mock, Monroe, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Shoaff, Shoemaker, Stanton, Stephenson, Stewart of Ohio, Sunman, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Zollars and Mr. Speaker—68.

Those who voted in the negative were,

Messrs. 'Admire, Chapman, Cox, Davis of Elkhart, Greene, Hyatt, Johnson of Marshall, Lawler, McGregor, Miles, Montgomery, Neff, Sleeth, Smith, Taber, Williams of Knox, and Zollars—17.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Zollars moved to take up Senate bills on third reading.

Mr. Ratliff moved to amend by taking up House bills on third reading.

Which was agreed to.

The question recurring on the motion to amend.

It was agreed to.

Mr. Zollars moved to reconsider the vote just taken.

Mr. Ratliff moved to lay the motion on the table.

Which was agreed to.

HOUSE BILLS ON THIRD READING.

Engrossed House bill No. 209. A bill to define certain offences therein mentioned, and to prescribe punishment therefor, and to suppress the usurpations of the functions of the Judiciary, in the punishment of real or pretended offences.

Was read a third time.

Mr. Williams of Knox, by unanimous consent, offered the following amendment:

Strike out of the eighth and ninth lines, the words "punishment or the arrest and"

Which was agreed to.

Mr. Osborn, by unanimous consent, moved to fill the blank with "one thousand dollars."

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Bates, Beatty, Bowen, Britton, Breckinridge, Calvert, Carnahan, Chapman, Coffroth, Cotton, Cox, Davidson Davis of Elkhart, Davis of Floyd, Dunn, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Hall, Higbee,

Hutson, Hyatt, Johnson of Marshall, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Lamborn, Logan, Long, Mason, McBride, McDonald, McGregor, Millekan, Miller, Mitchell, Mock, Neff, Osborn, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Stanton, Stewart of Ohio, Sunman, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Wilson, Zenor and Mr. Speaker—65.

Those who voted in the negative were,

Messrs. Miles, Monroe, Montgomery, Overmyer, Palmer, Pierce of Porter, Sleeth, Smith, Williams of Knox and Zollars—11.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Engrossed House bill No. 288. A bill amending sections four and eight of an act to regulate and license the sale of spirituous, malt, and other intoxicating liquors; to prohibit the adulteration of liquors; to repeal all former acts contrary to the provisions of this act, and prescribing penalties for the violation thereof, having failed yesterday for the want of a Constitutional majority, was taken up.

The question being, shall the bill pass?

Mr. Chapman moved a call of the House.

It was so ordered.

Those who answered to their names were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bobo, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Gilham,

Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Long, Logan, Mason, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars, and Mr. Speaker—90.

Mr. Odell obtained leave of absence for to-day.

Mr. Chapman moved that the absentees be sent for.

It was agreed to.

On motion the further proceedings under the call was dispensed with.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Beatty, Beeler, Bowen, Britton, Breckinridge, Chapman, Chittenden, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, Mason, Millekan, Miller, Mitchell, Mock, Monroe, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Smith, Stanton, Stephenson, Stewart of Ohio, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Admire, Barrett, Bates, Bobo, Calvert, Carnahan, Cave, Coffroth, Cotton, Cox, Davis of Floyd, Dittemore, Fuller, Hutchings, Johnson of Montgomery, Lawler, Long, McBride, McDonald, McFadin, McGregor, Miles, Montgomery, Neff, Palmer, Pierce

of Vigo, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Wilson, Zenor and Zollars—36.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Shoemaker moved to take up House bill No. 136, it having failed to pass for the want of a Constitutional majority.

Which was agreed to.

Engrossed House bill No. 136. A bill creating a lien on real estate sold for taxes by County Treasurers, and for all subsequent taxes paid.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barnett, Barritt, Bates, Beatty, Beeler, Bobo, Breckinridge, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Gordon, Higbee, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Lawler, Logan, Long, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Mitchell, Mock, Monroe, Montgomery, Neff, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Smith, Stanton, Stephenson, Stewart of Ohio, Sunman, Tebbs, Underwood, Vardeman, Vater, Welborn, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson, Zenor, Zollars and Mr. Speaker—73.

Those who voted in the negative were,

Messrs. Baker, Bowen, Greene, Hutson, Mason, Miles, Pierce of Porter and Sleeth—9.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Millekan, from the Committee on Roads, by consent made the following report:

MR. SPEAKER:

Your Committee on Roads, to whom was referred Senate bill No. 146, "An act to authorize turnpike companies to construct branch roads," have had the same under consideration, and instruct me to report the same back and recommend its passage.

Which was laid on the table.

Mr. Ruddell moved that the report of the Committee on Prisons be made the special order for 3 o'clock this afternoon.

Mr. Zollars moved to amend by saying "7½ o'clock."

Which was not agreed to.

The question being on the motion by Mr. Ruddell,

It was agreed to.

Engrossed House bill No. 80. "A bill declaring what evidence shall be sufficient *prima facie* to establish title to real estate under a sheriff's sale on execution."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett, Bates, Beatty, Beeler, Bowen, Breckinridge, Calvert, Carnahan, Cave, Chapman, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Gilham, Hamilton, Higbee,

Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Logan, Long, Mason, McBride, McFadin, Miller, Mitchell, Mock, Monroe, Montgomery, Osborn, Overmyer, Palmer, Pierce of Porter, Ratliff, Ruddell, Shoaff, Shoemaker, Stanton, Stephenson, Stewart of Ohio, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, Zenor and Zollars—69.

Those who voted in the negative were,

Messrs. Bobo, Britton, Dittmore, Gordon, Greene, Lawler, Lamborn, Neff, Pierce of Vigo, Sleeth, Smith, Williams of Knox and Mr. Speaker—13.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. McGregor, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills, to whom was referred engrossed House bill No. 292, have had the same under consideration, and having compared the same with the original, find it correctly engrossed.

Mr. Dunn moved to take up House bill No. 389.

Which was agreed to.

House bill No. 389. "A bill to authorize the Governor of the State to appoint three commissioners to revise, amend and remodel the system of the courts of Indiana."

Was read a second time, with amendments.

The question being on the adoption of the amendments,

It was agreed to.

Mr. Dunn moved that the bill be considered as engrossed, and read a third time now.

Which was agreed to.

Pending which,

On motion by Mr. Davis of Floyd, the House adjourned.

THURSDAY, 2 O'CLOCK, P. M.

The House met.

Mr. Stewart of Rush, obtained leave to record his vote on House bill No. 28, in favor of its passage, and also on House bill No. 52.

Mr. Tebbs, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

Your Committee have examined and compared engrossed House bills Nos. 296, 293, 318, 329, 142, 169, 216, 272, 300 and 349, with the original bills, and find them correctly engrossed.

Pending the adjournment was the consideration of House bill No. 389.

The question being on the motion of Mr. Dunn, that the bill be considered as engrossed and read third time now.

Mr. Cotton moved to amend by striking out "one hundred and fifty," and inserting "one hundred."

Which was agreed to.

Mr. Vater offered the following amendment :

Amend by adding in the proper place, the following, viz :

Provided, That one member at least, who is not a lawyer, but an experienced, intelligent and honest business man, shall be placed upon said Committee.

Mr. Monroe moved to lay the amendment on the table.

Which was agreed to.

Mr. Johnson of Parke, moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put ?

It was so ordered.

The question being, shall the bill be considered as engrossed.

It was agreed to.

Engrossed House bill No. 389. A bill to authorize the Governor of the State to appoint Commissioners to revise and remodel the system of Courts, &c.

Was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Bates, Beatty, Beeler, Bobo, Bowen, Breckinridge, Calvert, Chapman, Coffroth, Cotton, Davidson, Davis of Floyd, Dunn, Fairchild, Field of Lagrange, Gilham, Greene, Hall, Hamilton, Higbee, Hutchings, Johnson of Parke, Johnson of Marshall, Kercheval, Lamborn, Long, Mason, Mitchell,

Monroe, Odell, Osborn, Palmer, Pierce of Porter, Ruddell, Shoaff, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Wile, Wildman, Williams of St. Joseph, Williams of Union, Wilson, Zollars, and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Britton, Carnahan, Cave, Cory, Cox, Dittamore, Gordon, Higgins, Hutson, Hyatt, Johnson of Montgomery, Logan, McBride, McDonald, McGregor, Millekan, Miller, Miles, Montgomery, Pierce of Vigo, Ratliff, Sabin, Sleeth, Smith, Williams of Hamilton, Williams of Knox, and Zollars—30.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Dunn moved to amend the title by adding thereto the following: "And the code of practice."

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. McGregor moved that the House now proceed to take up Senate bills on third reading.

Which was not agreed to.

Mr. Underwood moved to make Senate bill No. 120, the special order for three o'clock to-day.

Which was not agreed to.

HOUSE BILLS ON THIRD READING.

Engrossed House bill No. 234. A bill declaring the meaning of sections fourteen and sixteen, of an act entitled "An act containing several provisions regarding landlords, tenants, lessors and

lessees, approved March 20th, 1852, and to authorize and give a right of action by one joint tenant, tenant in common, tenant in coparcenary, against other joint tenant, tenants in common, and tenants in coparcenary, and declaring an emergency."

Was read third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Bates, Beatty, Bobo, Bowen, Breckinridge, Calvert, Carnahan, Cave, Chapman, Cory, Cotton, Cox, Davidson, Dunn, Field of Lagrange, Fuller, Hall, Hamilton, Higgins, Hutchings, Johnson of Marshall, Jump, Kercheval, Lawler, Logan, Long, Mason, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Montgomery, Neff, Odell, Pierce of Vigo, Ratliff, Sabin, Shoaff, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson, Zenor and Mr. Speaker—65.

Those who voted in the negative were,

Messrs. Admire, Barnett, Britton, Dittemore, Greene, Lamborn, Mock, Monroe, Osborn, Pierce of Porter, Ruddell, Williams of Union, and Zollars—14.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill.

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Engrossed House bill No. 219. A bill to amend section nine of an act to provide for the assessment and collection of taxes on the shares of stocks owned by Banks and Banking Associations, doing business in this State.

Was read third time.

Mr. Ratliff moved that the bill be laid on the table.

Which was agreed to.

Engrossed House bill No. 145. A bill to amend sections one, six, and nine, of an act entitled "An act to incorporate the Lafayette Insurance Company," approved February 8, 1856, and declaring an emergency.

Was read a third time.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Beatty, Beeler, Bobo, Bowen, Breckinridge, Calvert, Chapman, Coffroth, Cory, Cotton, Davidson, Fairchild, Field of Lagrange, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Jump, Kercheval, Lam-born, McDonald, Millekan, Monroe, Neff, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Stephenson, Stewart of Rush, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of St. Joseph and Zollars—51.

Those who voted in the negative were,

Messrs. Barrett, Bates, Britton, Carnahan, Cave, Cox, Dittimore, Furnas, Gordon, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McFadin, McGregor, Miller, Miles, Mitchell, Mock, Montgomery, Palmer, Shoaff, Shoemaker, Sleeth, Smith, Stewart of Ohio, Sunman, Williams of Knox, Williams of Union, Zenor and Mr. Speaker—34.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Engrossed House bill No. 268. "A bill for the preservation of Indiana battle flags, military trophies and relics."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Bates, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Floyd, Dittemore, Fairchild, Field of Lagrange, Fuller, Furnas, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Kercheval, Lawler, Logan, Long, Mason, McBride, McDonald, McFadin, McGregor, Millekan, Miles, Mock, Montgomery, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Shoaff, Sleeth, Stephenson, Sunman, Tebbs, Underwood, Welborn, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Zenor and Zollars—61.

Those who voted in the negative were,

Messrs. Barnett, Beeler, Davis of Elkhart, Dunn, Gilham, Gordon, Greene, Hall, Hamilton, Johnson of Parke, Johnson of Marshall, Jump, Lamborn, Miller, Mitchell, Monroe, Palmer, Ruddell, Sabin, Shoemaker, Smith, Stewart of Ohio, Stewart of Rush, Taber, Vardeman, Vater, Wildman, Williams of Union and Mr. Speaker—30.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Message from the Senate by Mr. Wilson, the Secretary thereof:

MR. SPEAKER:

The President of the Senate has signed enrolled Senate bill No. 156, entitled "An act accepting certain donations from John Purdue, and others, and locating and naming the college contemplated by the act of Congress, approved July 2, 1862, providing for its

organization and management, adding a member to the trustees of the Indiana Agricultural College, changing the corporate name of said trustees, and declaring an emergency," and the same is herewith transmitted for the signature of the Speaker.

Mr. Osborn, by consent, from the Special committee on Railroads, submitted the following report :

MR. SPEAKER :

The Special Committee on Railroads have considered all petitions referred to them, and direct me to report that the legislation asked for in said petitions has been recommended by the Committee and has passed the House, and pending in the Senate, and return the petitions with the recommendation that they lie upon the table.

Which report was concurred in.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of the report of the Committee on State Prisons, and House Joint Resolution No. 16, the same was taken up.

House Joint Resolution No. 16. "A joint resolution for the removal of F. M. Meredith from the directorship of the State Prison South.

Was read a third time.

Mr. Vater demanded the previous question.

The Speaker ordered a call of the House.

Those who answered to their names were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Bobo, Bowen, Britton, Breckinridge, Calvert, Carnahan Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dittimore, Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Ker-

cheval, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McFadin, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—90.

On motion, further proceedings under the call were dispensed with.

The question being on the demand for the previous question.

It was not seconded by the House.

Message from the Senate by Mr. Wilson, the Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has concurred in House engrossed amendments to Senate bill No. 161, entitled a bill to provide for the organization of Savings Banks, and the safe and proper management of their affairs.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following House bills, to-wit:

House bill No. 205. Entitled a bill to fix the time and length of term for holding the Circuit Courts, in the County of Marshall, and repealing all laws, in conflict herewith.

Engrossed House bill No. 225. Entitled a bill to provide for holding the Court of Common Pleas, in the counties of Laporte and Marshall, and to repeal the law now in force in relation thereto.

And the same are herewith returned to the House.

Mr. Ratliff moved that when this House adjourn, it adjourn to meet at 7½ o'clock to-night.

Which was not agreed to.

Mr. Overmyer moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the passage of House Joint Resolution No. 16.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bowen, Britton, Breckiridge, Carnahan, Cave, Chittenden, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Logan, Mason, McBride, McDonald, McFadin, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Odell, Overmyer, Palmer, Pierce of Porter, Ratliff, Ruddell, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Zenor, Zollars and Mr. Speaker—79.

Those who voted in the negative were,

Messrs. Calvert, Coffroth, Hamilton, Johnson of Parke, Neff, Pierce of Vigo and Williams of St. Joseph—7.

So the Joint Resolution passed.

Ordered, That the Clerk inform the Senate of the passage of the same.

On motion of Mr. Zenor, the House adjourned.

FRIDAY MORNING, 9 o'clock, }
May 7, 1869. }

The House met.

Mr. Pierce of Porter, was on motion, called to the Chair.

Mr. McDonald moved to dispense with the reading of the Journal.

Which was agreed to.

The Speaker laid before the House the following Message from His Excellency, the Governor, by John M. Commons, his Private Secretary.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, May 6, 1869. }

MR. SPEAKER:

By direction of the Governor, I have the honor herewith to submit his Message transmitting copy of Supplemental Report of the Commissioners of the House of Refuge.

JNO. M. COMMONS, *Private Secretary.*

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, May 6, 1869. }

Gentlemen of the Senate and House of Representatives:

I beg leave herewith, respectfully to transmit copies of a Supplemental Report of the Commissioners of the House of Refuge, just made to me, setting forth the financial condition, and the present and prospective wants of that Institution.

CONRAD BAKER.

HOUSE OF REFUGE,
PLAINFIELD, IND, May 5, 1869. }

To His Excellency, Conrad Baker, Governor of Indiana:

The undersigned, Commissioners of the House of Refuge, respectfully represent to you, and through you to the General Assembly of the State, that, with one hundred and six boys in said Institution, during the months of February, March and April, of the present year, the actual expenses have been \$7,616 12.

Support, (food, &c.,).....	\$2,324 11
Furnishing goods for Houses.....	803 46
Boys Clothing.....	748 57
Fuel and Lights.....	237 28
Live Stock for Farm.....	902 90
Buildings and Improvements.....	134 77
Agricultural Implements.....	431 14
Books.....	56 54
Officers Salaries.....	1,680 76
<hr/>	
Total.....	\$7,616 12

Which shows that it requires about \$1,900 per month, to support the Institution.

The General Assembly has appropriated, for support of the Institution from January 1st, 1869, to March 31st, 1870 (a period of fifteen months,) \$20,000, and for the year ending March 31st, 1871, \$20,000.

It will thus be seen that if no more boys shall be admitted than we now have, and the expenses shall be the same, we shall fall short in means of support for the said fifteen months, ending March 31st, 1870, \$8,500. And for the year ending March 31st, 1871, estimating that we shall have only the same number of boys that are now in the Institution, there will be a deficit of \$2,800.

But when it is remembered that we shall, if we shall be as successful in putting up our additional buildings, have room for at least one hundred boys in addition to those already in the Institution, it will be seen that the appropriation for the last year will be too small by at least \$10,000.

We think it our duty to call attention to these facts, especially as we see it stated by some of the Members of the Legislature, that we will not have any more boys than we now have, before the Legislature will be again in session.

It seems inevitable that one of three things must be done.

1. The Legislature must furnish more means for the support or the Institution, or,

2. We must send away a sufficient number of inmates, to reduce the number so that our means will be adequate to their support; or,

3. We shall have to create a debt, to enable us to conduct the Institution in an efficient way, and to receive and accommodate all the boys which our buildings now, and in the future, will enable us to receive.

Allow us to express the hope that the House of Refuge, which has been so auspiciously begun, may not now be shorn of its usefulness, and needlessly limited in its capacity.

We may add, that applications for admission of boys are pressing,—more than are now pending. Some have been committed to the penitentiary, some to the county jails, and others discharged because the House of Refuge is full.

We beg leave respectfully to submit these facts, in addition to the full report, as to the condition of the Institution, its expenses, etc., made at the beginning of the regular session.

(Signed,)

C. F. COFFIN, .

A. C. DOWNY,

J. R. OSGOOD,

Commissioners House of Refuge.

Which was, on motion, referred to the Committee on Benevolent and Scientific Institutions.

Mr. Zollars moved to take up Senate bill No. 286.

Mr. Gordon moved to amend by taking up Senate bills on third reading.

Which was not agreed to.

The question being on the motion by Mr. Zollars,

It was not agreed to.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Davis of Elkhart presented a petition from citizens of the State asking the reduction of the fees and salaries of county officers.

Which was referred to the Committee on Rights and Privileges without reading.

Mr. Tebbs presented the petition of five hundred citizens of the State, asking compensation for the Morgan Raid sufferers.

Which was read and referred to the Committee on Morgan Raid Claims.

Mr. Bobo asked and obtained leave of absence for next week.

Mr. Ratliff, by consent, offered the following resolution :

WHEREAS, The citizens of Logansport have seen fit to select at their recent city election the Hon. Samuel L. McFadin, a member of this House, for Mayor of their prosperous city ; and

WHEREAS, The said Samuel L. McFadin contemplates resigning his seat in this House to-day to enter upon the duties of the Mayoralty ; therefore,

Resolved, By this House, that we congratulate him on his future prospects, and that we hereby express our earnest wishes for his welfare, and the hope that he may discharge the duties of his new trust as ably and impartially as he has discharged them in this House, and that his relations among the good people of Logansport may be as pleasant and happy as they have been with us.

Which was agreed to.

Mr. Dunn, by consent, from the Committee on the Judiciary, made the following majority report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 337, "A bill to amend the 5th section of an act entitled "An act in relation to commissions, certificates and resignations of office," have had the same under consideration, and recommend the passage of the same without amendment.

Mr. Coffroth, from the same Committee, made the following minority report:

MR. SPEAKER:

A minority of the Committee on the Judiciary, to whom was referred House bill No. 337, have had the same under consideration, and respectfully recommend that it be indefinitely postponed.

The question being on the adoption of the minority report,

Messrs. Coffroth and Miles demanded the ayes and noes.‡

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Davis of Floyd, Dittemore, Fuller, Furnas, Greene, Hutchings, Hyatt, Johnson of Montgomery, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Mock, Montgomery, Neff, Palmer, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Underwood, Wile, Williams of Knox, Zenor and Zollars—43.

Those who voted in the negative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lagrange, Gilham, Gordon, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Stanton,

Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union and Mr. Speaker—48.

So the minority report was not concurred in.

The question recurring on the adoption of the majority report,

The majority report was laid on the table.

Mr. Osborn, by consent, from the Committee on the Judiciary, made the following majority report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred House bill No. 336, "A bill defining certain misdemeanors, and prescribing the punishment therefor," have had the same under consideration and respectfully recommend its passage.

Mr. Coffroth, from the Committee on the Judiciary, made the following minority report:

MR. SPEAKER:

The minority of your Committee on the Judiciary, to whom was referred House bill No. 336, "A bill defining certain misdemeanors, and prescribing the punishment therefor," respectfully recommend that the same be indefinitely postponed.

The question being on concurring in the report of the minority of the Committee,

Messrs. Coffroth and Osborn demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Bowen, Britton, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Davis of Floyd, Dittemore, Fuller, Furnas, Gordon, Greene, Hall, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Parke, Logan, Long, McBride, McDonald, McFadin, McGregor, Miles, Mock, Monroe, Montgomery, Neff, Palmer, Ratliff, Shoaff, Shoemaker, Sleeth, Smith, Stephenson, Stewart of Rush, Sunman, Tebbs, Un-

derwood, Welborn, Wile, Williams of Knox, Wilson, Zenor and Zollars—54.

Those who voted in the negative were,

Messrs. Baker, Barnett, Beatty, Beeler, Breckinridge, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lagrange, Gilham, Hamilton, Higbee, Higgins, Hutson, Johnson of Marshall, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Osborn, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Skidmore, Stanton, Stewart of Ohio, Taber, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union and Mr. Speaker—38.

So the minority report was concurred in, and the bill indefinitely postponed.

Mr. Coffroth moved to reconsider the vote just taken, and that that motion do lie on the table.

Which was agreed to.

The majority report was then laid on the table.

Mr. Overmyer, from the Committee on Engrossed Bills made the following report :

MR. SPEAKER :

Your Committee on Enrolled Bills have examined and compared enrolled bills Nos. 205 and 225, and find them in all respect correct.

Mr. Johnson of Parke, from the Committee on the Judiciary, submitted the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred Senate bill No. 134, entitled "A bill to authorize and encourage the construction of levees, dikes and drains, and the reclamation of wet and overflowed lands," &c., have had the same under consideration and report the same back without recommendation.

Which was laid on the table.

Mr. Stephenson, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House bill No. 392, "A bill to authorize the Clerk of the Supreme Court of the State of Indiana to have the papers on file in his office and the books and records of said office indexed, allowing a compensation therefor, and declaring an emergency," have had the same under consideration and recommend its passage.

Which, on motion, was laid on the table.

Mr. Stewart, from the Committee on Elections, made the following report :

MR. SPEAKER :

I am instructed by the Committee on Elections, to whom was referred House bill No. 117, to report the same back and recommend that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Stephenson, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Committee on the Judiciary, to whom was referred House bill No. 157, "A bill to regulate the publication of legal advertisements," have considered the same, and recommend that it be amended as follows :

Add to section 1—

"Provided, further, That such publication in such daily paper shall be once a week, and the same number of consecutive weeks as now provided by law in each case."

And when so amended recommend its passage.

Which report was laid on the table.

The Speaker announced that he had signed enrolled House bills Nos. 205 and 225.

Mr. Stephenson, from the Committee on the Judiciary, submitted the following report:

MR. SPEAKER:

Your Committee on the Judiciary, to whom was referred House bill No. 393, entitled "A bill to amend section 601 of an act entitled 'An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity;'" approved June 18, 1852, have had the same under consideration, and recommend its passage.

Which was laid on the table.

Mr. Sabin, from the Committee on Claims, submitted the following report:

MR. SPEAKER:

Your Committee on Claims, to whom was referred the claim of C. C. Campbell, late sheriff of Marion county, Indiana, for \$249, money expended in arresting James Dillman, John Murphy, Harvey Moon and Neil Read, counterfeitters, in 1852, have had the same under consideration, and are of the opinion that this claim is of a class of claims which the State ought not to pay; they therefore have instructed me to report the same back to the House, and recommend that said claim be not allowed.

Which was concurred in.

Mr. Sabin, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claims of Josiah Reeder, John W. Sullivan and Samuel H. Patterson, for

\$18 30 each, mileage, per diem and expenses in coming to Indianapolis to testify as witnesses before the Committee on State Prisons, have had the same under consideration, and have instructed me to report the same back and recommend their allowance.

Which report was concurred in.

Mr. Tebbs presented a claim of George M. Lozier, for \$19.68, for witness fees.

Which was referred to the Committee on Claims.

Mr. Monroe, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of one hundred and fourteen members of Captain Mullens and Steinbergers Company of Minute Men, for one months pay, or thirteen dollars each, for services rendered in 1862, as a military organization, called out by Governor Morton to repel the invasion of Kirby Smith, have had the same under consideration, and have instructed me to report the same back to the House, and recommend its allowance, and the Clerk of the Committee on Claims, is hereby authorized to file in the office of the Auditor of State, for payment thereof, an official list of the names of said Company, as now on file among the papers of said Committee on Claims.

Which was concurred in.

Mr. Carnahan from the Committee on Rights and Privileges of the Inhabitants of the State, made the following report:

MR. SPEAKER:

Your Committee to whom was referred House bill No. 350, a bill to amend the third section of an act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith, and declaring an emergency, approved March 11, 1867, have had the same under

consideration, and have directed me to report the same back and recommend its passage.

Which report was concurred in.

Mr. Fairchild from the Committee on Rights and Privileges of the Inhabitants of the State, made the following report:

MR. SPEAKER:

Your Committee on Rights and Privileges to whom was referred House bill No. 359, a bill for the protection of fish, have had the same under consideration, and recommend that the bill be indefinitely postponed.

Which report was concurred in, and the bill was indefinitely postponed.

Mr. Montgomery made the following report on House bill No. 366.

MR. SPEAKER:

Your Committee to whom was referred House bill No. 366, a bill to repeal the fish law, have had the same under consideration, and respectfully ask that it be indefinitely postponed.

Which report was concurred in.

Mr. Hyatt, from the Committee on County and Township business, made the following report:

MR. SPEAKER:

Your Committee on County and Township Business, to whom was referred House bill No. 344, in relation to the duties of County Recorder, have had the same under consideration and recommend its passage.

Which report was laid on the table.

Mr. Mason, from the Committee on County and Township Business, made the following report :

MR. SPEAKER :

Your Committee on County and Township Business, to whom was referred House bill No. 369, A bill to abolish the office of Township Assessor, and providing that Township Trustees shall perform the duties heretofore performed by Township Assessors, have directed me to report that they have had the same under consideration, and recommend its passage.

Which report was laid on the table.

Mr. Hyatt, from the Committee on County and Township Business made the following report :

MR. SPEAKER :

Your Committee on County and Township Business to whom was referred House bill No. 362, entitled a bill to provide a fund for the support and encouragement of Societies organized for the suppression of crime, have had the same under consideration, and recommend its passage.

Which was concurred in.

Mr. Fairchild, from the Committee on County and Township Business, made the following report :

MR. SPEAKER :

Your Committee on County and Township Business to whom was referred House bill No. 374, a bill to amend sections forty-four, forty-six, fifty-one and fifty-three, of an act to provide for a general system of Common Schools, &c., beg leave to report that they have had the same under consideration, and recommend the passage thereof.

Mr. Hall, from the Committee on House bill No. 355, made the following report :

MR. SPEAKER :

Your Committee to whom was referred House bill No. 355, a

bill supplemental to an act for the protection of sidewalks, have had the same under consideration, and respectfully recommend its passage.

Which report was laid on the table.

Mr. Palmer, from the Committee on Roads made the following report:

MR. SPEAKER:

Your Committee on Roads, to whom was referred House bill No. 327, a bill to amend section twenty-one, of an act to provide for the opening, vacating, and change of highways, approved June 17, 1852, have had the same under consideration, and direct me to report the same with the following amendments:

Amend by striking out the words "but not yet finally acted upon," and inserting the words, "when damages have not yet been assessed."

Amend by prefixing the syllable "re," to the word "viewers."

Amend by adding after the words "public use," the words "but only such per cent. of the amount so assessed shall be collected, as shall be sufficient to pay the damages."

Amend by striking out the words "and it is declared that an emergency exists, and that this act shall be in force from and after its passage," and insert the following:

SEC. 2. It is hereby declared that an emergency exists for the immediate taking effect of this act, and it shall therefore be in force from and after its passage.

And when so amended, recommend its passage.

Which report was laid on the table.

Mr. Ratliff, from the Committee on Agricultural College, made the following report:

MR. SPEAKER:

Your Committee on Agricultural College, to whom was referred House bills No. 172 and 324; also, sundry propositions relative to the location of the Agricultural College, have instructed me to report the same back, and recommend that they lie on the table, the said College having been located, and said bills and propositions having no bearing on the subject.

Which report was concurred in.

Mr. Stanton, from the Special Joint Committee to visit the United States' Home for Disabled Soldiers' and Seamen, at Dayton, Ohio, made the following report:

MR. SPEAKER:

Your Committee appointed to visit, in conjunction with a like Committee on the part of the Senate, the National Asylum for wounded and disabled Soldiers, at Dayton, Ohio, respectfully report that they have performed the duty assigned them.

They find this "Soldiers' Home," eligibly located on a beautiful tract of high rolling ground, about three miles west of the city of Dayton, and although the work has been in progress for a short time only, yet much has been accomplished. Large and comfortable buildings have already been erected, affording homes for about one thousand men. Workshops, a well-arranged school-room, a commodious reading room, the walls of which are beautified with hundreds of handsome engravings and paintings, where seventy newspapers are regularly received, and at all times accessible to the inmates, an excellent library of many hundred volumes, to which additions are being made, an amusement hall, with billiard tables and bowling alleys, artificial lakes, with boats, where men who can and wish, may row, together with grounds naturally beautiful, made more so by the embellishments of art, all contribute, under the kind, but firm, control of those in charge, to compensate in some small degree for the comforts of those real homes and home enjoyments lost to these brave men because of their patriotic sacrifices in behalf of our common country.

The Hospital accommodations at present in use are temporary, but a very elegant brick structure is rapidly approaching completion, which will afford accommodations for three hundred patients, and your Committee are assured, and believe, that no Hospital in the country is more complete in all its appointments than this will be.

In the School, under the careful management of Miss Evans, many young men are preparing themselves for higher duties, and a better work in life, and will soon be competent to assist in educating the youth of the land, thus earning a competency for themselves, and doing a no less valuable work in behalf of their country, than was done by them in the field.

In the Workshop, those who are able, not only become masters of a trade, but are at the same time earning something for themselves.

The proceeds of the labor of those who seek a home here, are left entirely under their own control, as your Committee are informed.

Pensions are collected for the inmates entitled to the same, and the entire proceeds given to the men to be disposed of as they may see proper; and persons performing labor in the shops or upon the grounds, receive a fixed compensation for their labor.

In conversation with many of the inmates, we found the expression universal, that all are well supplied with excellent food, and a careful examination of the dining rooms, the bakeries, and the kitchens, confirmed the statement. The cleanly condition and generally comfortable appearance of all that comes under the supervision of the matron, bears evidence of the careful attention here given to the comfort of the men.

A beautiful stone chapel is in course of erection, to be used as a place of worship—in the observance of which the utmost latitude is given to the inmates, let their creed or belief be what it may. At present they worship in a commodious hall provided temporarily for the purpose.

The government of the Institution depends much on those in charge, and so long as the present officers are continued in charge your Committee doubt not "all things will be well done." Col. Brown, who is in command, has himself shared all the hardship of a soldier's life, and having left an arm upon the field of battle, is in full sympathy with the disabled soldier; and the success of this asylum up to this time, under the immediate supervision of the Hon. L. B. Gunchel, is a guarantee of its future good management. Our own "Soldier's Home" at Knightstown is all that its friends could ask and the recipients of its bounty desire; but while there are now many orphans, made so by the war,—poorly cared for in the aptly named "poor houses" of the State, to whom we owe a good education, kind treatment, and ample provision; and when so good a home is offered to our disabled soldiers without expense to the State, it does seem to your Committee, that as rapidly as the transfer can be made, the inmates of our Home at Knightstown should be transferred to the National Homes, that room may be made and a way provided for these homeless orphans. Should the climate of Maine or Wisconsin be deemed better for any of our suffering soldiers at our Home, they will be transferred to either of the points above indicated, and in making this transfer our State will be at no expense whatever.

In view of these facts, and many more that might be urged, your Committee would respectfully suggest that it would be well to pass a joint resolution instructing the officers of our own "Soldiers' Home" to use all proper means to effect a transfer of our soldiers, voluntary, however, in all cases on their part, to the National Asylums.

Other States around us are caring for the soldier's orphan. Michigan provides for and educates her soldiers' orphans at an expense of \$3 50 per week. Iowa cares for 800 children of the same class, and Pennsylvania supports more than 3,000 at an expense of \$2 65 per week. Shall Indiana be less generous, slower to do justice than her sister States? The fallen dead preserved our honor in time of war at the sacrifice of their lives, and won for us a name second to none; and, they being gone, shall we, who are left in the enjoyment of health, peace and plenty, fail to preserve the good name they so bravely won? Our people are able to do this work; generosity dictates, duty and justice demand it.

Your Committee think that the provisions of Senate bill No. 240 will accomplish the work, and in conclusion, unanimously recommend its passage.

A. P. STANTON,
W. G. NEFF,
SAMUEL GREENE.
R. T. KERCHEVAL.

Which, on motion, was laid on the table.

Mr. Lamborn, by consent, from the Special Committee on House bill No. 264, "A bill to abolish the death penalty," made the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 264, "A bill to abolish the death penalty," have had the same under consideration, and ask leave to make the following report:

The object of all punishment in a civilized State should be, the safety of society, and the reformation of the criminals. Revenge should form no part of the criminal code of a just people. The moral code of an enlightened Christian age has long since abandoned such an idea.

The question all thinking men are asking in relation to this subject is, does capital punishment promote the safety of society by decreasing the crimes for which it is inflicted? If it is useful to put men to death for crime, there must be some good resulting from it. Lord Brougham said, as far back as 1837, his "firm belief and conviction were, that capital punishment has failed in all and every case—even in those cases of murder, for which it was justifiable, if it were justifiable at all." Yet even for that he thought its tendency "was not the prevention of crime. On the contrary, it tended to brutalize the mind, and to prepare men for the commission of that very crime for which alone, if retained at all, it ought to be continued." This is the testimony of Lord Brougham, who, during a long life, had been familiar with the jurisprudence of England.

Edward Livingston, one of the brightest names at the American Bar, in his great work on the Criminal Code of Louisiana, gives the following evidence on this question: "Our legislation (referring to the legislation of Louisiana,) surrendered it without a struggle

in all cases, at first, but murder, attempt to murder, rape, and servile insurrection, and afterwards extended it to a species of aggravated burglary. Its inefficiency, or some of the other objections to it, must have been apparent in all the other numerous offences in which it has been dispensed with, or it certainly would have been retained or restored. If we reason from analogy, we should say the only argument ever used in favor of death as a punishment is, that the awful example it presents will deter from the commission of the offence; but by your acknowledgment of it in all cases but these, you acknowledge it has no efficiency there. Analogy would lead us to the conclusion that if it was useless in the many cases, it would be so in the few. Let us try it by this test." He then goes on to show the diminution in crimes in which this punishment has been abandoned in the territory, and then refers to other nations.

"In Tuscany," says Livingston, "neither murder nor any other crime was punishable with death for more than twenty years. During this time we have not only the official declaration of the sovereign that all crimes had diminished, and those of an atrocious nature had become extremely rare, but we have the authority of the venerable Franklin for these conclusive facts: That in Tuscany, where murder was not punished with death, only five had been committed in twenty years, while in Rome, where that punishment is inflicted with great pomp and parade, sixty murders were committed in the short space of three months, in the city and vicinity." It will also be remembered that Rome and Tuscany have the same religion, and almost the amount of population.

Michigan, Rhode Island, and Wisconsin have abolished capital punishment, while Maine, Illinois and Minnesota have virtually abolished it, and leave testimony that it works well. The Secretary of State of Michigan says, "It has produced a greater certainty of conviction, and consequently of relief to community, besides lessening the number of offences." Several efforts have been made to re-establish the death penalty in that State and Wisconsin, but have most signally failed. If the present law had not been successful, the death law would most certainly have been restored. Hon. Mr. Hazard, of Rhode Island, says that the present law works well in that State, and that several efforts have been made to restore the death penalty, but that the proposition received

only seven out of thirty votes in the General Assembly. So it has been in Maine, Minnesota, and Illinois, where it is virtually abolished. It is reported that the Legislature of Florence has quite recently abolished capital punishment. Taking life for crime is becoming distasteful to the people, even though it could not be shown that it is perfectly useless as a terror to persons who contemplate murder.

From the time of Draco, whose code punished all crimes with death, we might find ample evidence that the more barbarous the punishment for any crime, the more numerous the cases of that crime will be. We have abandoned half the argument in favor of capital punishment by abolishing public punishment; for surely, if it is meant by it to deter from the crime of murder, then the more public the executions the better the result.

Our judicial murders are so managed, that no one seems guilty of the deed. The mere falling of a trap, or the working of a spring, is the instrument that sends a human being into eternity. The instincts of the age are opposed to this mode of punishment, for it is a fact patent to all, that few, except the scum and dregs of society, are ever hanged. This very uncertainty of the law leads to the commission of murder, for if it was not possible to escape the penalty of imprisonment for life, we believe fewer murders would be committed. Then, again, the murderer who now goes unhung, as he does in most cases, hopes, by the aid of money, friends, or position, to be ultimately pardoned from the State prison, even if he should ever go there. This acting on the minds of those contemplating murder, cannot but be powerful incentives to the commission of crime.

But, to a civilized people, the strongest motive for the abolition of the death penalty should be, the liability to inflict the punishment on the innocent.

It is an old maxim: "Better twenty guilty men should go unpunished, than one innocent man should suffer." History is full of examples, where those who have been executed have afterwards been found innocent. Excitement, passion and prejudice may lead to this result. One life in an age, sacrificed in this way, should be sufficient to damn capital punishment to an immortality of infamy.

We have tried this penalty, and all severe systems, on our criminals, for countless ages; now let us try something else.

The history of the last six thousand years shows that, as religion and morality increase, the life of man becomes more sacred; and this idea, the more it shall be inculcated and grow, has a benificent influence in the prevention of crime. Our prison discipline, under the influence of this idea, is progressing toward a humane system; yea, everything in the moral government of the world is marching in this direction. Almighty God is in favor of this idea, and let us try it, in the abolition of the death penalty. If it fails to satisfy, the penalty can easily be resumed. Public opinion is now far in advance of the law on this subject, and refuses to execute it. Society does not consider it unsafe to put those liable to this punishment in the State Prison, even with the privilege of pardon hanging over them. Insurance companies ask no more for their policies in States where it is abolished, neither do we find robberies and arson more frequent, than when these crimes were punished with death. We are willing to grant the argument, that the advancing civilization of the age has done something to bring about this result. But the argument proves too much. For, if the advanced spirit and ideas of the age have, by their superior police arrangements and other forces, made safety from crime more imminent, surely we ought to be willing to let those influences operate in the character of our punishment for crimes.

In conclusion, we will say, that nothing can be lost by a trial of the abolition of the death penalty. States that have abolished it do not desire to restore it, because it has been found to work well, both in diminishing murders and awakening a more earnest interest in the elevation of criminals, as well as cultivating a higher duty in regard to the sacredness of human life. In the words of John A. Andrews, late Governor of Massachusetts, we say, "The spectacle of capital punishment either infuses into the mind of man the spirit of murder, or stimulates it into greater activity," and, we think, should be abolished.

For these and similar reasons we report back the bill, and recommend its passage.

Mr. Davis moved to lay the report on the table, and print two hundred copies for the use of the House.

Which was agreed to.

Mr. Wildman moved to reconsider the vote just taken.

Which was agreed to.

On motion, the report was laid on the table.

Mr. Welborn moved to take up the report of the committee of conference on House bill No. 90, entitled, "A bill creating the Twenty-fifth Judicial Circuit, providing for the election of Judges, Prosecuting Attorneys, and providing compensation therefor."

Which was agreed to.

The question being, in concurring in the report.

It was agreed to.

Ordered, That the Clerk inform the Senate thereof.

Mr. Pierce, of Vigo, moved to take up Senate bills on third reading.

Mr. Carnahan moved to amend, by taking Senate bills on first reading.

Which was not agreed to.

Mr. Bobo moved to amend, by taking House bills on third reading.

Which was not agreed to.

Mr. Zollars moved to amend by taking up Senate bills on second reading.

Which was not agreed to.

Mr. Williams, of Knox, moved to take up Senate messages.

Which was agreed to.

The motion by Mr. Pierce, as amended was agreed to.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed engrossed Senate bill No. 175, entitled "A bill defining who shall be competent witnesses in any court or judicial proceedings in this State, and to repeal all laws in conflict with the provisions of this act." Also,

Engrossed Senate bill No. 191. "A bill enabling cities and towns to build, improve, and keep in repair roads leading to cemeteries owned or used by the inhabitants of cities or towns, or owned by a city or town, and to annex such road to such city or town, and defining the duties of certain officers."

Engrossed Senate bill No. 175, entitled "A bill defining who shall be competent witnesses in any court or judicial proceedings in this State, and to repeal all laws in conflict with the provisions of this act."

Was read a first time, and referred to the Committee on the Judiciary.

Engrossed Senate bill No. 191. "A bill enabling cities and towns to build, improve, and keep in repair roads leading to cemeteries owned or used by the inhabitants of cities or towns, or owned by a city or town, and to annex such road to such city or town, and defining the duties of certain officers."

Was read a first time, and referred to the Committee on Rights and Privileges.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed engrossed Senate bill No. 45, entitled "A bill relating to the salaries of the Judges of the supreme, circuit, civil and criminal circuit, and common pleas courts, and declaring an emergency, and providing for the salaries of Prosecuting and District Attorneys." Also, that the Senate has passed engrossed Senate

bill No. 220, entitled "A bill authorizing parties losing money or valuable property at gaming or betting, to sue for and recover the same of parties winning such money or valuable property." Also, engrossed Senate bill No. 258, entitled "A bill to allow partnerships to bring and maintain suits in their adopted names in certain cases." Also, engrossed Senate bill No. 261, entitled "A bill to allow cities and incorporated towns within this State to erect buildings for fire, and other municipal purposes, on docks and wharfs in certain cases."

Engrossed Senate bill No. 45, entitled "A bill relating to the salaries of the Judges of the supreme, circuit, and common pleas courts, and providing for the salaries of Prosecuting and District Attorneys, and declaring an emergency."

Was read a first time, and referred to the Committee on Fees and Salaries.

Engrossed Senate bill No. 220. "A bill authorizing parties losing money or valuable property at gaming or betting, to sue for and receive the same of parties winning such money or valuable property."

Was read a first time, and referred to the Committee on the Judiciary.

Engrossed Senate bill No. 258, entitled "A bill to allow partnerships to bring and maintain suits in their adopted names in certain cases."

Was read a first time, and passed to a second reading.

Engrossed Senate bill No. 261. "A bill to allow cities and incorporated towns within this State to erect buildings for fire, and other municipal purposes, on docks and wharfs in certain cases."

Was read a first time, and passed to a second reading.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills thereof, to-wit:

Senate bill No. 118, entitled "A bill to amend the 16th section of an act entitled 'An act to provide for contesting the election to any State, district, circuit, county or township office,' approved May 4, 1852; to provide relief in cases of contests erroneously commenced by reason of the misprint of said 16th section, and to provide for taking depositions in all contests for circuit and district offices." Also,

Engrossed Senate bill No. 148, entitled "An act to legalize the acknowledgment of all deeds, mortgages, and other instruments required to be recorded, taken and certified by notaries public, who took and certified such acknowledgments after the expiration of their commissions." Also,

Engrossed Senate bill No. 149, entitled "A bill to amend the 17th section of an act regulating the fees of officers, and repealing former acts in relation thereto;" approved March 2, 1865. Also,

Engrossed Senate bill No. 162, entitled "An act to provide for the service of process upon railroad companies." Also,

Engrossed Senate bill No. 166, entitled "A bill providing for the establishment of election precincts, and prescribing the duties of county commissioners in relation thereto." Also,

Engrossed Senate bill No. 172, entitled "A bill to exempt burial grounds from liens or sale on execution, or other process." Also,

Engrossed Senate bill No. 173, entitled "A bill to change the corporate name of the Widows' and Orphans' Asylum of Indianapolis."

In which the concurrence of the House is requested.

Engrossed Senate bill No. 118, entitled "A bill to amend the 16th section of an act entitled 'An act to provide for contesting any State, district, circuit, county or township office,' approved May 4, 1852; to provide relief in cases of contests erroneously commenced by reason of the misprint of said 16th section, and to provide for taking depositions in all contests for circuit and district offices."

Was read a first time.

Mr. Palmer moved to refer the bill to the Committee on Elections.

Which was not agreed to.

Engrossed Senate bill No. 148, entitled "A bill to legalize the acknowledgment of all deeds, mortgages, and other instruments required to be recorded taken and certified by notaries public, who took and certified such acknowledgments after the expiration of their commissions."

Was read a first time, and passed to a second reading.

Engrossed Senate bill No. 149. "A bill to amend the 17th section of an act regulating the fees of officers, and repealing former acts in relation thereto;" approved March 2, 1865.

Was read a first time, and referred to the Committee on Fees and Salaries.

Engrossed Senate bill No. 162. An act to provide for the service of process upon railroads.

Was read a first time and referred to the Committee on Railroads.

Engrossed Senate bill No. 166, entitled "A bill providing for the establishment of election precincts, and prescribing the duties of county commissioners in relation thereto."

Was read a first time and referred to the Committee on Elections.

Engrossed Senate bill No. 172. "A bill to exempt burial grounds from lien or sale, on execution or other process."

Was read a first time, and passed to a second reading.

Engrossed Senate bill No. 173, entitled "A bill to change the corporate name of the Widows' and Orphans' Asylum of Indianapolis."

Was read a first time and passed to a second reading.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following Senate bills thereof, to-wit :

Senate bill No. 230, entitled "An act to amend section 4 of an act approved February, 1865, entitled 'An act appointing commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided, and matters properly connected therewith.'" Also,

Engrossed Senate bill No. 167, entitled "A bill to amend section 4 of an act entitled 'An act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes ;'" approved May 20, 1852. Also,

Engrossed Senate bill No. 122, entitled "An act supplemental to an act to authorize cities and towns to negotiate, and sell bonds to procure means with which to erect and complete unfinished school buildings, and pay debts contracted for erection of such buildings, and authorize the levy and collection of an additional special school tax for the payment of principal and interest of such bonds ;" approved March 11, 1867.

In which the concurrence of the House is respectfully requested.

Also, Engrossed Senate bill No. 75, entitled "An act to protect the citizens of Indiana from empiricism, and to elevate the standing of the medical profession." Also,

Senate bill No. 285, entitled "An act to amend section 1 of an act entitled 'An act to incorporate the University of Notre Dame du Lac, at South Bend, St. Joseph county, Indiana ;'" approved June 15, 1844.

In which the concurrence of the House is respectfully requested.

Engrossed Senate bill No. 122. "An act supplemental to an act to authorize cities and towns to regulate and sell bonds to procure means with which to erect and complete unfinished school buildings, and pay debts contracted for the erection of such buildings, and to authorize the levy and collection of an additional special

school tax for the payment of the principal and interest of school bonds," approved March 11, 1867.

Was read a first time.

Engrossed Senate bill No. 167. "A bill to amend section four of an act entitled an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical, and building purposes," approved May 20, 1852.

Was read a first time.

Senate bill No. 230, entitled "A bill to amend section four of an act approved February —, 1865, entitled an act appointing commissioners to sell certain real estate, therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided, and matters properly connected therewith."

Was read a first time, and referred to the Committee on Ways and Means.

Engrossed Senate bill No. 75, "A bill to protect the citizens of Indiana from empericism, and elevate the standing of the medical profession."

Was read a first time, and referred to the Committee on Rights and Privileges.

Engrossed Senate bill No. 285, "A bill to amend section one of an act entitled an act to incorporate the University of Notre Dame Du Lac, at South Bend, St. Joseph county, Indiana," approved January 15, 1844.

Was read a first time, and referred to the Committee on Corporations.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following Engrossed bills thereof, to-wit:

Engrossed Senate bill No. 184, entitled "A bill to amend the nineteenth section of an act approved June 10th, 1852, entitled an act defining felonies, and prescribing punishment therefor."

Engrossed Senate bill No. 181, entitled "An act to amend section three hundred and forty-three of an act entitled an act to revise, simplify, and abridge, the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in uniform mode of pleading and practice without distinction between law and equity, and to declare an emergency."

Also, Engrossed Senate bill No. 188, entitled "An act providing for the sale of certain lands belonging to the State of Indiana, in the county of Clay."

In which the concurrence of the House is requested.

Engrossed Senate bill No. 181, "A bill to amend section three hundred and forty-three of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of practice and pleading without distinction between law and equity, and to declare an emergency."

Was read a first time, and referred to the Committee on the Judiciary.

Engrossed Senate bill No. 184, "A bill to amend the nineteenth section of an act approved June 10th, 1852, entitled an act defining felonies, and prescribing punishment therefor."

Was read a first time.

Mr. Welborn moved that the bill be laid on the table.

Which was agreed to.

Engrossed Senate bill No. 188, "A bill providing for the sale of certain lands belonging to the State of Indiana, in the county of Clay."

Was read a first time, and passed to a second reading.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills thereof, to-wit:

Engrossed Senate bill No. 205, entitled a bill to revise and amend the 79th section of an act entitled "An act to repeal all General Laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto."

Also, engrossed Senate bill No. 194, entitled a bill to make an appropriation for the payment to the Sinking Fund of money advanced to pay the expense of the erection of the building for the use of the Supreme Court and Officers of State.

Also engrossed Senate bill No. 210, entitled a bill to define certain offences therein mentioned, and to prescribe punishment therefor, and to suppress the usurpation of the functions of the Judiciary in the punishment of real or pretended offences.

Also engrossed Senate bill No. 323, entitled a bill to legalize the solemnization of marriages, taking and certifying acknowledgements of deeds, mortgages, and other instruments, and all other acts which by law are authorized to be done and performed by Justices of the Peace, solemnized, taken, and certified to and done and performed by Enion Singer, a Justice of the Peace in and for Centre Township, Hendricks County, Indiana, after the expiration of his commission as Justice of the Peace, which expired on the 26th day of December, 1868.

Message from the Senate by Mr. Wilson, the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the Senate engrossed bills thereof, to-wit:

Engrossed Senate bill No. 120, entitled an act providing for the

organization and government of the State Prisons, and for repealing all conflicting laws.

Engrossed Senate bill No. 194. A bill to make an appropriation for payment to the Sinking Fund, of money advanced to pay the expense of the erection of the buildings for the use of the Supreme Court and Officers of State.

Was read a first time and referred to the Committee on Ways and Means.

Engrossed Senate bill No. 205. A bill to revise and amend the 79th section of an act entitled "An act to repeal all General Laws now in force for incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14th, 1867.

Was read a first time and passed to a second reading.

Engrossed Senate bill No. 210. A bill to define certain offences therein mentioned, and to prescribe punishment therefor, and to suppress the usurpation of the functions of the Judiciary, in the punishment of real or pretended offences.

Was read a first time and passed to a second reading.

Engrossed Senate bill No. 323, entitled a bill to legalize the solemnization of marriages, taking and certifying acknowledgements of deeds, mortgages, and other instruments, and all other acts which by law are authorized to be done, and performed by Justices of the Peace, solemnized, taken and certified to, and done and performed by Enion Singer, a Justice of the Peace, within and for Centre Township, Hendricks county, Indiana, after the expiration of his commission as Justice of the Peace, which expired on the 26th day of December, 1868.

Was read a first time and referred to the Committee on Corporations.

Engrossed Senate bill No. 120. A bill providing for the re-organization and Government of the State Prisons, and repealing all laws in conflict therewith.

Was read a first time.

Mr. Osborn moved to refer the bill to a special committee of seven, with instructions to report to-morrow.

Mr. Gordon moved to amend by referring to the Committee on Prisons.

The question being on the motion of Mr. Gordon.

It was not agreed to.

The question recurring on the motion to refer to a special committee of seven.

It was agreed to.

On motion of Mr. Cave, the House adjourned.

FRIDAY, 2 O'CLOCK, P. M.

The House met.

Mr. Coffroth moved that Hon. John Purdue, now present in the lobbies, be invited to a seat on the floor of the House.

Which was agreed to.

Mr. Purdue took a seat on the right of the Speaker.

Mr. Odell, by consent, offered the following resolution :

Resolved, That a copy of the Adjutant General's Reports, be furnished Irvin Dickinson, a disabled soldier now employed in the

room of the State Library, and also to such other soldiers as are employed in the House of Representatives, as have not already received a copy of said Reports. *Provided*, that there be copies of said reports unappropriated.

Which was agreed to.

Mr. Underwood offered the following:

Resolved, That the Librarian order from the publishers of Wilson's Digest of Parliamentary Law, one hundred copies of said Digest, (revised edition,) one copy for each Member of the House.

Mr. Stephenson moved to amend by inserting "Last Years' Almanac."

Mr. Cory moved to lay the motion and amendment on the table.

Which was agreed to.

Message from the Senate, by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

The President of the Senate has signed House enrolled acts, No. 205, and No. 225, and the same are herewith returned to the House.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 119, the same was taken up.

Mr. Davis of Floyd, moved a call of the House.

Which was agreed to.

Those who answered to their names were,

Messrs. Addison, Admire, Baker, Barnett, Bates, Beatty, Bobo, Bowen, Britton, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd,

Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McGregor, Millekan Miller, Miles, Mitchell, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vardeman, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor and Mr. Speaker—88.

On motion the further proceedings under the call was dispensed with.

Mr. Williams, of Knox, moved to reconsider the vote by which the House passed House Joint Resolution No. 16, removing one of the Directors of the State Prison South.

Which was passed over informally.

House bill No. 119, "A bill making an appropriation of \$413,-499 48, to pay the claims of sufferers by the 'Morgan Raid,'" having ben read a second time on a previous day,

Mr. Dunn offered the following amendment:

Add the following section before the emergency section:

SEC. —. That none of the claims and amounts, the payment of which are provided for herein, shall be assignable, and the Auditor of State shall issue no warrant to any assignee or other person, than the identical person who lost the property for which the claim was allowed, or his or their heirs. And before the Auditor shall issue any warrant to any person, the person in whose favor the claim was allowed shall make and file with said Auditor this affidavit, the same to be sworn to before any Clerk of the Circuit Court of this State, stating that he has not assigned, sold or in any manner parted with his interest in such claim, that he is still the owner of the same, and has never received any compensation, in money or otherwise, from the Government or any individual, for

said claim or any part thereof; that he has never received anything, or the promise of anything, conditional or dependent upon the settlement of the claim, either by the General Government or the State.

Which was agreed to.

Mr. Davis, of Floyd, moved that the bill be considered as engrossed, and read a third time now.

Mr. Davis, of Floyd, moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, on the motion by Mr. Davis, of Floyd, to consider the bill as engrossed,

Messrs. Johnson, of Marshal, and Milliken demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt Bates, Beatty, Beeler, Bobo, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Floyd, Dittemore, Field of Lagrange, Fuller, Gilham, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Parke, Kercheval, Lawler, Lamborn, Logan, Long, McBride, McDonald, McGregor, Mitchell, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker Skidmore, Sleeth, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Underwood, Vardeman, Welborn, Wile, Wildman, Williams of Knox, Williams of St. Joseph, Wilson, Zenor and Mr. Speaker—70.

Those who voted in the negative were,

Messrs. Davis of Elkhart, Fairchild, Furnas, Gordon, Greene, Johnson of Marshal, Jump, Mason Millekan, Miller, Mock, Smith Taber, Vater, Williams of Hamilton, and Williams of Union.—16.

So the motion to engross prevailed.

H. J. Ex. S.—30.

House bill No. 119, "A bill making appropriation," &c,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Bates, Barrett, Bowen, Calvert, Carnahan, Chapman, Coffroth, Cory, Davis of Floyd, Dittemore, Dunn, Fuller, Gilham, Hamilton, Hutchings, Hutson, Hyatt, Johnson of Parke, Kercheval, Lawler, Lamborn, Logan, Long, McBride, McDonald, McGregor, Miller, Mitchell, Monroe, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Shoaff, Shoemaker, Sleeth, Stewart of Ohio, Sunman, Tebbs, Welborn, Wile, Williams of Knox, Williams of St. Joseph, Wilson, Zenor and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Addison, Admire, Beaty, Beeler, Bobo, Britton, Breckinridge, Cave, Cotton, Cox, Davidson, Davis of Elkhart, Fairchild, Field of Lagrange, Furnas, Gordon, Greene, Hall, Higbee, Higgins, Johnson of Marshall, Jump, Mason, Millekan, Miles, Mock, Montgomery, Ruddell, Sabin, Skidmore, Smith, Stanton, Stephenson, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, and Williams of Union—41.

So the bill passed.

The question being, shall the title as read stand as the title to the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Dittemore moved to reconsider the vote just taken.

Mr. Monroe moved to lay the motion on the table.

Which was agreed to.

Mr. Osborn, by leave, offered the following concurrent resolution :

- *Resolved* By the House, the Senate concurring, that the Adjutant General of the State be, and he is hereby directed, to file, in the proper form, the claim of the State of Indiana against the General Government, before the Government Commissioners, now in session at Indianapolis, for the amount assumed by her in paying the losses to the citizens of the State, by reason of the Morgan Raid, and to use all proper means to secure its early allowance and adjustment by said Commission.

Which was agreed to.

Ordered, That the Clerk inform the Senate of the same.

The Speaker announced the following Special Committee on Prisons :

Messrs. Osborn, Wildman, Fuller, Vater, Britton, Welborn, and Johnson, of Marshall.

Mr. Pierce of Vigo moved that House bill No. 140 be taken up.

Which was agreed to.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed House bill No. 140, entitled "A bill repealing certain sections of an act to provide for the registry of voters, and declaring their residences, etc., etc., and prescribing further duties of the officers of election," with the accompanying engrossed Senate amendments, in which the House is requested to concur.

House bill No. 140 was taken up, with the following engrossed Senate amendments :

Strike out all after the first section, and insert the following sections, viz :

SEC. 2. It shall be the duty of the inspector of any election held in this State, on receiving the ballot of any voter, to have the same numbered with figures on the outside or back thereof, to correspond with the number placed opposite the name of such voter on the poll lists kept by the clerks of said election.

SEC. 3. The township trustee shall, by virtue of his office, be inspector of elections of such township, and shall designate the place where elections shall be held in their respective townships; and shall, prior to the opening of the polls at any precinct, appoint two freeholders, qualified voters of such precinct, judges of such election; such judges being members of different political parties; and when so appointed, such judges, together with the inspector, shall constitute a board of election: *Provided*, There are different political parties in such township or precinct, *and provided further*, that such appointment shall be made from the political parties casting the highest number of votes in such township or precinct: *Provided, further*, That no person shall be eligible to sit on any board of election who has any money, property, or any other valuable thing bet or wagered on the result of any such election.

SEC. 4. The board of county commissioners of the proper county may designate one or more places of holding elections in any township, or form precincts of two or more townships when public convenience requires it. And in case such board of commissioners shall designate more places of voting in any township, or form a precinct of two or more townships, they shall at the June term of said board of commissioners of the county preceding any election, appoint some freeholder who shall be a qualified voter of such precinct, to act as inspector thereof, and may, at any general or special session, fill any vacancy that may have occurred; and such inspector shall, previously to the time of opening the election at any precinct, appoint two freeholders, qualified voters of such precinct, judges of such election, such judges to be selected from different political parties so that each party may have a representative on such board of election: *Provided*, There are different political parties in such precinct, and such appointments shall be made from the two political parties casting the highest number of votes in such township or precinct; and such judges, together with such inspector, shall constitute a board of election.

SEC. 5. Such board of elections shall appoint two clerks, one from each political party so that each party may have a clerk in said election, which clerks shall be residents and voters in such township or precinct: *Provided*, There are different political parties in such township or precinct, *and provided further*, that such

appointments shall be made from the two political parties casting the highest number of votes in such township or precinct.

SEC. 6. Any person offering to vote may be challenged by any voter in such township, precinct, or ward, (as the case may be,) and if the person so challenged insists upon voting, and the challenge be not withdrawn, said board of election, or some member thereof, shall administer to him the following oath: "You do swear, or affirm, (as the case may be,) that you are a citizen of the United States, that you are over 21 years of age to the best of your information or belief, that you have been a *bona fide* resident of this State for six months immediately preceding this election, that you are now, and have been for twenty days last past a *bona fide* resident of this township, precinct, or ward, (as the case may be,) that you are generally known by the name in which you now desire to vote, that you have not voted, nor will not vote at any other precinct, township, or ward, (as the case may be,) in this section;" and in case of persons of foreign birth, the oath relative to citizenship shall be dispensed with and the following words used in lieu thereof: "that you have resided in the United States one year, and have declared your intention to become a citizen thereof in conformity with the laws thereof;" and in addition to such oath of such person proposing to vote, the following oath or affirmation of some freeholder who is a resident and voter of such township, precinct, or ward, (as the case may be,) in which the challenged person asks to vote, shall be required: "You do swear or affirm, as the case may be, that you are a freeholder, owning real estate in your own right, held by deed in your own name, and that said real estate is situated in this election precinct, and that ————, who now desires to vote, has resided in this State for six months immediately preceding this election, and has been a *bona fide* resident of this precinct for twenty days last past;" which oath shall be written or printed, and shall be signed by the person making such oath in the presence of such board of election, which oath shall be administered by some member thereof, who shall affix his jurat thereto, which affidavits shall be attached to, and be returned with the poll lists to the office of the county clerk.

SEC. 7. The Common Council of any city, or the Trustees of any town, shall appoint three free-holders, qualified voters in each

ward, one to act as inspector, and two judges of elections, such judges to be appointed one from each of the two political parties casting the highest number of votes in such ward, so that each of said political parties may have a representative on such Board; *Provided*, There are different political parties in such ward, and the persons thus appointed shall choose two clerks of such elections, one from each of the political parties casting the highest number of votes in such ward; *Provided*, There are different political parties in such ward.

SEC. 8. If any member or officer of such Board of Election shall wilfully violate any of the provisions of this act, or be guilty of any fraud in the execution of the duties of his office, he shall be deemed guilty of felony, and be punished for each and every offence by imprisonment in the State Prison for not less than one (1) year.

SEC. 9. Whereas an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

Amend the title by adding the words, "and providing for the appointment of the necessary officers and clerks for holding such elections."

Mr. Pierce, of Vigo, by unanimous consent, offered the following amendment:

Insert in the proper place, section —, "That all laws or parts of laws in conflict with this act are hereby repealed."

Which was agreed to.

Mr. Pierce, of Vigo, moved to concur in the amendments by the Senate.

Messrs. Coffroth and Cox demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Chapman, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Hig-

bee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Davis of Floyd, Dittimore, Fuller, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McGregor, Miles, Mock, Montgomery, Neff, Palmer, Pierce of Porter, Shoaff, Shoemaker, Sleeth, Sunman, Tebbs, Welborn, Wile, Williams of Knox, and Zenor—34.

So the amendments were agreed to.

Ordered, That the Clerk inform the Senate of the same.

Mr. Bobo moved to suspend the order of business and take up House bill No. 325.

Which was agreed to.

Engrossed House bill No. 325, "A bill to provide for the relocation of county seats, the erection of public buildings, in case of such relocation, and repealing all laws in conflict herewith, and declaring an emergency."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Bobo, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Dittimore, Dunn, Fairchild, Field of Lagrange, Furnas, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Lawler, Lamborn, Long, Mason, McDonald, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Montgomery, Os-

born, Pierce of Porter, Ratliff, Sabin, Shoaff, Sleeth, Smith, Stephenson, Stewart of Rush, Sunman, Tebbs, Underwood, Vardeman, Vater, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson, Zenor, Zollars, and Mr. Speaker—67.

Those who voted in the negative were,

Messrs. Beeler, Chapman, Gordon, Kercheval, McBride, Monroe, Neff, Odell, Overmyer, Pierce of Vigo, Ruddell, Stanton, Stewart of Ohio, Taber, and Williams of Union—15.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Carnahan moved to take up Senate bill No. 255.

Which was agreed to.

Message from the Senate by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Enrolled House bill No. 176, entitled "A bill to establish a private prison and reformatory institution for girls and women, to provide for the organization and government thereof, and making appropriations," with the following engrossed Senate amendments thereto, to-wit:

Engrossed Senate amendments to House bill No. 176:

First. Strike out the words "twenty-one," in second line of twentieth section, and insert "eighteen."

Second. Strike out all of the twentieth section and insert the following:

SECTION 20. All commitments to the penal department, made under the provisions of this act, shall be until the infants committed

respectively attain the age of twenty-one years; and all commitments to the reformatory department, until they respectively attain the age of eighteen years, unless sooner discharged from either department by authority of the Board of Managers, or otherwise, as elsewhere provided in this act.

Third. Strike out the words "twenty-one," and insert "eighteen" wherever it occurs in the reformatory department.

Fourth. Strike out all of section thirty-three, to and including the word "and," in the tenth line.

In which the concurrence of the House is requested.

Engrossed House bill No. 176, entitled, "A bill to establish a Female Prison and Reformatory Institution for girls and women, to provide for the organization and government thereof, and making appropriations."

Was taken up, with engrossed Senate amendments.

The question being on concurring in the amendments.

They were agreed to.

Ordered, That the Clerk inform the Senate thereof.

Engrossed Senate bill No. 255, entitled, "A bill to save pending suits affected by the passage of the act of 1865, to repeal sections forty-three and forty-four of the will law of 1852."

Was taken up.

Mr. Pierce, of Vigo, by consent, made the following minority report:

MR. SPEAKER:

The undersigned members of the Judiciary Committee, to whom was referred Senate bill no 255, to save pending will cases affected by the law of 1865, report, that they have considered the same carefully, and find that it is a bill general in its terms, but intended to affect the interests of parties to a single lawsuit heretofore decided by the Courts. In the general law regulating appeals in will cases from the Common Pleas Court to the Circuit Court to be

re-tried in the Circuit Court *de novo*, and in will cases alone, the right to appeal and a new trial in the Circuit Court remained, and in 1865 the Legislature wisely decided to make all cases equal, and to make the practice uniform, they therefore enacted the law to place will cases in the same condition, and the practice in such cases. This bill is to save a single suit from the effect of the law, which must be general, and the Committee believe that such legislation would be wrong, and that the laws ought to act equally and uniformly upon all citizens and property alike; therefore they recommend the indefinite postponement of the bill.

(Signed)

I. N. PIERCE,
MILTON A. OSBORN,
J. R. BOBO,
JAS. F. WELBORN.

Pending which, on motion by Mr. Bobo,

The House adjourned.

SATURDAY MORNING, 9 O'CLOCK, }
 May 8, 1869. }

The House met.

On motion by Mr. Osborn, the reading of the Journal was dispensed with.

Mr. Gordon, from the Committee on Fees and Salaries, submitted the following report, by unanimous consent :

MR. SPEAKER :

Your Committee on Fees and Salaries, to whom was referred Senate bill No. 45, entitled, "A bill relating to the salaries of the Judges of the Supreme, Circuit, Civil and Criminal Circuit, and Common Pleas Courts, and providing for the salaries of Prosecuting and District Attorneys," and declaring an emergency, have had the same under consideration, and have instructed me to report the same back to the House, and recommend its passage.

Which was laid on the table.

Mr. Pierce, of Porter, moved to make Senate bill No. 134 the special order for the hour, immediately after the consideration of Senate bill No. 255, now under consideration.

Which was agreed to.

Mr. Davis, of Floyd, moved to reconsider the vote by which Senate bill No. 89 was indefinitely postponed.

Which was passed over informally.

Pending the adjournment on yesterday, was the consideration of Senate bill No. 255.

The question being on concurring in the minority report of the committee, offered by Mr. Pierce, of Vigo.

Mr. Williams, of Hamilton, moved the previous question.

A division being called, and no quorum voting,

On motion, by Mr. Pierce, of Vigo, a call of the House was had.

Those who answered to their names were,

Messrs. Addison, Baker, Barritt, Beaty, Beeler, Bobo, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dittmore, Dunn, Field of Lagrange, Fuller, Furnas, Gordon, Hall, Hamilton, Higbee, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Kercheval, Lawler, Lamborn, Logan, McBride, McDonald, Miller, Miles, Mitchell, Monroe, Neff, Odell, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Sunman, Tebbs Underwood, Vater, Welborn, Wile, Williams of Hamilton, Williams of Knox, Williams of Union, Wilson and Zollars—72.

Mr. Gordon moved that the further proceedings under the call be dispensed with.

Which was agreed to.

The question recurring on the motion by Mr. Williams, of Hamilton, demanding the previous question.

It was not seconded by the House.

Message from the Senate, by Mr. Wilson, Secretary thereof :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has concurred in engrossed House amendments to engrossed Senate amendments to House bill No. 140, and the same are herewith returned to the House.

Mr. Bowen asked and obtained leave of absence until next week.

Mr. Gordon asked and obtained leave of absence until Monday next.

Mr. Kercheval moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on concurring in the minority report of the committee,

It was not agreed to.

Mr. Osborn moved to amend by adding to the first section the following:

"Provided, That in any cause saved by this bill, when a trial has been had and the testimony of witnesses examined in the first trial cannot be had at the new trial in the Circuit Court, and their testimony was taken and preserved in the original trial, such testimony so taken and preserved shall be proper and competent testimony in such new and subsequent trial."

Mr. Coffroth moved to lay the amendment on the table.

Which was agreed to.

Mr. Coffroth moved to suspend the constitutional rule requiring bills to be read on three several days, and that Senate bill No. 255 be read a second and third times now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bates, Britton, Breckinridge, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dittmore, Dunn, Fairchild, Fuller, Furnas, Gordon, Greene, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Kercheval, Lamborn, Logan, Long, Mason, McDonald, McGregor, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Palmer, Pierce of Porter, Ruddell, Shoaff, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Tebbs, Un-

derwood, Vater, Wile, Williams of Knox, Zenor, Zollars, and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Baker, Beatty, Beeler, Bobo, Calvert, Field of Lagrange, Hall, Hutchings, Lawler, Odell, Osborn, Overmyer, Pierce of Vigo, Sabin, Skidmore, Welborn, Wildman, Williams of Hamilton, Williams of St. Joseph, and Williams of Union—21.

So it was not deemed expedient to suspend the constitutional rule.

Mr. Coffroth moved to reconsider the vote just taken, whereby the House refused to suspend the constitutional rule.

Mr. Osborn moved to lay the motion to reconsider on the table.

Which was not agreed to.

The question recurring on the motion to reconsider,

It was agreed to.

The question recurring on the motion of Mr. Coffroth to suspend the constitutional rule,

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barritt, Bates, Beatty, Britton, Breckinridge, Carnahan, Cave, Chapman, Coffroth, Cotton, Cox, Cunningham, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild, Fuller, Furnas, Gordon, Greene, Higbee, Higgins, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Kercheval, Lamborn, Logan, Long, Mason, McBride, McDonald, McGregor, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Palmer, Pierce of Porter, Rudell, Shoaff, Smith, Stanton, Stephenson, Stewart of Ohio, Taber, Tebbs, Underwood, Vater, Wile, Williams of Knox, Zenor, Zollars and Mr. Speaker—65.

Those who voted in the negative were,

Messrs. Beeler, Bobo, Calvert, Cory, Field of Lagrange, Hall, Hamilton, Hutson, Lawler, Odell, Osborn, Overmyer, Pierce of Vigo, Ratliff, Sabin, Skidmore, Sleeth, Stewart of Rush, Welborn, Wildman, Williams of St. Joseph and Williams of Union—24.

So it was not deemed expedient to suspend the constitutional rule.

Mr. Pierce of Vigo moved to amend by adding the following:

“This act shall not affect or apply to any case which was not pending in the circuit court, according to the law governing such appeals at that time, and in which all the requirements of the law had been complied with, and the appeal fully perfected.”

Mr. Coffroth moved to lay the amendment on the table.

Which was agreed to.

Engrossed Senate bill No. 255. “A bill to save pending suits affected by the passage of an act of 1865, to repeal sections 43 and 44 of Will Law of 1852.”

Was read a second time.

Mr. Coffroth moved to make engrossed Senate bill No. 255 the special order for Monday morning at 9 o'clock.

Which was agreed to.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of Senate bill No. 134, the same was taken up.

Engrossed Senate bill No. 134. “A bill to authorize and encourage the construction of levees, dikes and drains, and the reclamation of wet lands by incorporated associations, and repealing all former laws on the same subject.”

Having been previously read a second time,

Mr. Coffroth offered the following amendments :

Amend by striking out the word "estimates" from the last line but one of section 7, and inserting the word "assessments."

Strike out the 15th section.

Strike out the 17th section.

Correctly number the remaining sections.

Mr. Johnson of Marshall moved to lay the amendments on the table.

Which was agreed to.

Mr. Palmer asked and obtained leave of absence until Monday evening.

Mr. Coffroth offered the following amendment:

Amend by adding to the end of section 17 the following;

"Provided, That nothing in this act contained shall be held or construed to modify or repeal, in whole or in part, an act entitled 'an act to enable the owners of wet lands to drain and reclaim them where the same can not be done without affecting the lands of others, prescribing the powers and duties of county boards and county auditors in the premises, and repealing all laws inconsistent therewith;'" approved March 11, 1867.

Which was agreed to.

Mr. Ratliff moved to amend by striking out the word "estimates" and inserting "assessments" in lieu thereof.

Which was agreed to.

Mr. Coffroth moved to amend section six, by inserting at the end of the first proviso the following: "And provided further, that any person under legal disabilities at the time of making and filing of such schedule, shall have the right of appeal as aforesaid, at any time within thirty days after the removal of such disabilities.

Which was agreed to.

Mr. Pierce, of Porter, moved to consider the amendment as engrossed.

Which was agreed to.

Senate bill No. 134 was read a third time.

The question being, shall the bill pass?

Mr. Wile moved that the House do now adjourn.

Which was not agreed to.

Mr. Coffroth moved that when the House adjourn, it stand adjourned until Monday, at nine o'clock.

Mr. Zollars moved to lay the motion on the table.

Which was agreed to.

The question recurring on the passage of the bill.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barritt, Beatty, Beeler, Bobo, Britton, Calvert, Carnahan, Chapman, Coffroth, Cotton, Davidson, Davis of Elkhart, Davis of Floyd, Dittimore, Field of Lagrange, Furnas, Hall, Higbee, Hutson, Johnson of Park, Johnson of Marshall, Kercheval, Lawler, Long, Mason, McBride, McDonald, Miller, Mitchell, Mock, Monroe, Montgomery, Odell, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Stanton, Stewart of Ohio, Stewart of Rush, Taber, Tebbs, Underwood, Welborn, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars, and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Admire, Bates, Cave, Dunn, Fuller, Gordon, Hyatt, Johnson of Montgomery, Lamborn, Logan, McGregor, Neff, Smith and Vater—15.

So the bill passed.

H. J. Ex. S.—31.

The question being, shall the title as read, stand as the title of the bill.

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Barritt moved that the House do now adjourn.

Which was agreed to.

SATURDAY, 2 O'CLOCK, P. M.

The House met.

Mr. Underwood moved to take up House bill No. 376, and make the same the Special order for Monday next, at three o'clock.

Which was agreed to.

Mr. Coffroth moved that the House do now adjourn.

Which was not agreed to.

Mr. Kercheval moved that the House take up Senate bills Nos. 246, 286 and 64.

Which was agreed to.

House bill No. 387, entitled, "A bill to provide for the government and discipline of the State Prisons, and for the oversight of County Jails, and to repeal all other laws and parts of laws inconsistent herewith," was taken up, and on motion was referred to the special committee on prisons.

Message from the Senate, by Mr. Wilson, Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate has passed Senate bill No. 246, entitled, "An act to amend sections four, thirteen and fifteen of an act entitled, 'An act to establish a home for the maintenance of sick and disabled Indiana soldiers and seamen, and their widows and orphans,' approved March 11, 1867, and supplemental to said act."

Senate bill No. 246, entitled, "A bill to amend sections four, thirteen and fifteen of an act entitled, 'An act to establish a home for sick and disabled soldiers and seamen,' " &c.

Was read a first time.

Engrossed Senate bill No. 64, entitled, "A bill authorizing voluntary associations formed under an act entitled, 'An act concerning the organization of voluntary associations, and repealing former laws in reference thereto,' passed February 12, 1855, to acquire title to lands that have heretofore been used for burial places."

Was read a second time, with the amendments heretofore reported by the Committee on Corporations.

Mr. Odell moved that the report of the committee be concurred in, and the amendments adopted.

Which was agreed to.

Senate bill No. 286. A bill supplemental to an act to incorporate the Franklin Insurance Company, approved February 13th, 1851, authorizing said Company to change its place of business, to increase its capital stock, and contract for an increase of the scale of interest established by law.

Was read a second time.

Mr. Zollars moved that the Constitutional rule be suspended, and that Senate bills Nos. 246, 64, 286, 239 and 51, and House bill No. 274, be read a third time now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Bates, Beatty, Beeler, Bobo, Breckinridge, Calvert, Carnahan, Cave, Chapman, Coffroth, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dunn, Field of Lagrange, Fuller, Greene, Higbee, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Kercheval, Lamborn, Logan, Long, Mason, McBride, McGregor, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Tebbs, Underwood, Vater, Welborn, Williams of Hamilton, Williams of Knox; Williams of St. Joseph, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—70.

None voting in the negative.

So it was deemed expedient to suspend the Constitutional rule, and read said bills a second and third time now.

Mr. Mitchell moved to reconsider the vote by which House bill No. 288, passed the House.

Senate bill No. 246. A bill to amend sections four, thirteen, and fifteen, of an act entitled "An act to establish a Home for the maintenance of sick and disabled Indiana Soldiers and Seamen, and their orphans and widows," approved March 11, 1867, and supplementary to said act.

Was read a second time.

Mr. Pierce of Porter, moved to insert after the word "Surgeon," in the thirteenth line, the words, "and shall also elect."

Which was agreed to.

Mr. Barritt moved to amend by striking out "\$250," where it occurs, and insert "\$200."

Mr. Pierce of Porter, moved to lay the amendment on the table.

Messrs. Pierce of Porter, and Barrett, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Beatty, Beeler, Chapman, Cox, Davis of Elkhart, Greene, Hall, Hutson, Hyatt, Johnson of Parke, Johnson of Marshall, Kercheval, Lamborn, Mason, Mitchell, Overmyer, Pierce of Porter, Stanton, Stewart of Ohio, Stewart of Rush, Vater and Williams of St. Joseph—22.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Bobo, Britton, Breckinridge, Calvert, Carnahan, Cave, Coffroth, Cotton Davidson, Davis of Floyd, Dunn, Field of Lagrange, Fuller, Hutchings, Johnson of Montgomery, Logan, McBride, McGregor, Miller, Miles, Mock, Monroe, Montgomery, Neff, Odell, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Tebbs, Welborn, Williams of Hamilton, Williams of Knox, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—48.

So the motion to lay on the table did not prevail.

The question recurring on the amendment offered by Mr. Barritt.

Mr. Welborn moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

Messrs. Cox and Davidson, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bates, Britton, Breckinridge, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Davidson, Davis of Floyd, Fuller, Higbee, Hyatt, Johnson of Montgomery, Long, Mason, McBride, McDonald, McGregor, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Ratliff, Sabin, Shoaff, Shoe-

maker, Skidmore, Sleeth, Smith, Stephenson, Tebbs, Welborn, Wile, Williams of Hamilton, Williams of Knox, Wilson, Zenor, Zollars and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Baker, Beatty, Beeler, Chapman, Cox, Davis of Elkhart, Dunn, Field of Lagrange, Greene, Hall, Hutson, Johnson of Parke, Johnson of Marshall, Kercheval, Lawler, Lamborn, Logan, Miller, Osborn, Overmyer, Pierce of Porter, Ruddell, Stanton, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vater and Williams of St. Joseph—30.

So the amendment prevailed.

Mr. Stanton moved that the amendments be considered engrossed.

Which was agreed to.

Engrossed Senate bill No. 246. "A bill to amend sections 4, 13 and 15 of an act entitled 'An act to establish a Home for the maintenance of sick and disabled soldiers and seamen and their orphans and widows;'" approved March 11, 1867, and supplemental to said act.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barritt, Bates, Beatty, Beeler, Breckinridge, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dunn, Field of Lagrange, Fuller, Hall, Higbee, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McGregor, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Tebbs, Vater, Welborn,

Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson, Zenor, Zollars and Mr. Speaker—72.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Engrossed Senate bill No. 64. "A bill authorizing voluntary associations formed under an act entitled 'An act concerning the organization of voluntary associations, and repealing former acts in reference thereto, approved February 12, 1855,' to acquire title to lands that have heretofore been used as burial places," with amendments. Amendments considered engrossed.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barritt, Bates, Beatty, Beeler, Britton Breckinridge, Calvert, Carnahan, Cave, Chapman, Coffroth Cory, Cotton, Cox, Davidson, Davis of Elkhart, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Taber, Tebbs, Vater, Welborn, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson, Zenor, Zollars and Mr. Speaker—68.

Those who voted in the negative were,

Messrs. Dunn, Field of Lagrange, Fuller, Higbee, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, Miller, Miles, Mitchell, Monroe, Montgomery, Neff and Odell—24.

So the bill passed.

The question being, shall the title as read stand as the title of the bill ?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Engrossed Senate bill No. 286. "A bill supplementary to an act entitled 'An act to incorporate the Franklin Insurance Company,' approved February 13, 1851, authorizing said company to change its business, to increase its capital stock, and to contract for and increase the rate of interest established by law."

Was read a second time by title, and a third time by sections.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barritt, Bates, Beaty, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton Cox, Davidson, Davis of Elkhart, Dunn, Field of Lagrange, Fuller, Hall, Higbee, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McGregor, Miller, Miles, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Taber, Tebbs, Vater, Welborn, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson, Zollars, Zenor and Mr. Speaker—68.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill ?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Engrossed Senate bill No. 239. "A bill authorizing the classification of the boards of directors of railroad companies."

Was read a second time by its title, and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barritt, Bates, Beatty, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Dunn, Field of Lagrange, Fuller, Hall, Higbee, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Lawler, Lamborn, Logan, Long, McBride, McGregor, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Taber, Tebbs, Vatter, Welborn, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson, Zenor, Zollars and Mr. Speaker—68.

Mr. McDonald voting in the negative—1.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Engrossed Senate bill No. 51, entitled, "A bill to amend section nine, and to repeal a part of an act entitled, 'An act concerning partitions of lands,'" approved May 20, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Bates, Beatty, Beeler, Britton, Breckin-

ridge, Calvert, Carnahan Cave, Chapman, Coffroth, Cory, Cotton, Davidson, Davis of Elkhart, Dunn, Field of Lagrange, Fuller, Hall, Higbee, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McGregor, Miller, Miles, Mitchell, Mock, Monroe, Montyomery, Neff, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Tebbs, Vater, Welborn, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Zenor, Zollars, and Mr. Speaker—67.

Mr. Wilson voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Engrossed House bill No. 274. "A bill to authorize the issuing of arms and equipments to regularly incorporated military companies, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Bates, Beatty, Beeler, Britton, Breckinridge, Chapman, Davis of Elkhart, Dunn, Field of Lagrange, Hall, Higbee, Hyatt, Johnson of Parke, Johnson of Marshall, Kercheval, Lamborn, Long, Mason, McBride, McGregor, Miller, Miles, Mitchell, Mock, Monroe, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Skidmore, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Tebbs, Vater, Wile, Williams of Hamilton, Williams of St. Joseph, and Wilson—44.

Those who voted in the negative were,

Messrs. Admire, Calvert, Cave, Coffroth, Cory, Cotton, Davidson, Fuller Hutchings, Hutson, Johnson of Montgomery, Lawler, Logan, McDonald, Montgomery, Neff, Odell, Sabin, Shoaff, Shoemaker, Sleeth, Taber, Williams of Knox, Zenor and Zollars—25.

So the bill failed to pass for the want of a constitutional majority.

Mr. Coffroth moved that the House do now adjourn.

Which was not agreed to.

Mr. Davis, of Elkhart, moved that it be deemed expedient to suspend the constitutional rule, for the purpose of taking up Senate bills Nos. 352 and 249, and House bills Nos. 380, 355 and 392.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were,

Messrs. Baker, Barrett, Bates, Beeler, Breckinridge, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Davidson, Davis of Elkhart, Dunn, Field of Lagrange, Fuller, Hall, Higbee, Hutson Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Lawler, Lamborn, Long, McBride, Miller, Mitchell, Monroe, Montgomery, Neff, Odell, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stewart of Ohio, Taber, Tebbs, Vater, Welborn, Williams of Knox, Williams of St. Joseph, Zenor, Zollars, and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Admire, McDonald, McGregor, Miles, and Osborn—5.

So it was not deemed expedient to suspend the constitutional rule.

Message from the Senate by Mr. Wilson, the Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed House bill No. 203, entitled, "An act fixing the time of holding Circuit Courts in the several counties composing the Sixth Judicial Circuit, repealing all laws in conflict therewith, making all process returnable to the time fixed by this act, and regulating the transaction of business therein." with the following engrossed Senate amendments thereto, to-wit:

First. Strike out the words, "fixing the times for holding courts in Clay and Putnam counties," and insert the following: "In the county of Clay, on the Mondays succeeding the terms fixed by this act in the county of Owen." "In the county of Putnam, on the fourth Mondays of March and September of each year."

Mr. Mitchell moved that the House concur in the amendments proposed by the Senate.

Which was agreed to.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Senate bill No. 352, entitled, "A bill to fix the times of holding the Common Pleas Courts in the several counties of the Fifteenth Common Pleas District; the duration of the terms thereof, making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws in conflict therewith."

In which the concurrence of the House is requested.

Senate bill No. 352. "A bill to fix the times of holding the Common Pleas Courts in the several counties of the Fifteenth Common Pleas District, the duration of the terms thereof, making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws in conflict therewith."

Was read a first time.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed House bill to-wit:

Engrossed House bill No. 11, entitled "A bill to create the 21st and 22d Judicial Circuits," &c., with the following engrossed Senate amendments thereto:

Strike out all after the enacting clause, and insert the following:

SECTION 1. That the circuit courts in the several counties of the Eleventh Judicial Circuit shall be held as follows, to-wit: In the county of Carroll, on the second Mondays of February and August of each year; in the county of Wabash, on the first Mondays of March and September; in the county of Miami, on the second Mondays of April and October, and in the county of Cass, on the second Mondays of May and November.

SEC. 2. That the courts shall continue in the county of Carroll three weeks, in the county of Wabash five weeks, in the county of Miami four weeks, and in the county of Cass the court shall sit so long as the business thereof shall require it.

SEC. 3. All parties to suits in said courts, and all witnesses, jurors, officers, or other persons concerned, shall take notice of the provisions of this act. All writs, summonses, processes or motions, that may have been issued or served before the taking effect of this act, in relation to matters pending in any of said courts, are hereby made returnable to the first day of the next term of said court as fixed by this act; and all suits, motions, recognizances, rules or other proceedings, which, at the time of the taking effect of this act shall be pending in any of said courts, shall be acted upon in the same manner as if this act had been in force at the time of their inception.

SEC. 4. That this act shall not affect the times of holding courts in any of the counties named prior to the first day of July next, but the courts shall be held as heretofore provided by law.

SEC. 5. All laws or parts of laws contravening the provisions of this act are hereby repealed.

SEC. 6. It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

SEC. 7. Amend the title by inserting the following: "A bill to fix the times of holding courts in the Eleventh Judicial Circuit, repealing all laws in conflict therewith, and declaring an emergency."

Mr. Coffroth moved to concur in the amendments reported by the Senate.

Which was agreed to.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills thereof, to-wit:

Engrossed Senate bill No. 202, entitled "A bill to authorize railroad companies to sell, lease, or otherwise dispose of, and to contract for the use of their roads, franchises and property, or any part thereof, and authorizing railroad companies to aid other railroad companies in the construction and equipment of their roads." Also,

Engrossed Senate bill No. 203, entitled "An act to amend 'An act to authorize, regulate and confirm the sale of railroads, to enable purchasers of the same to form corporations and to exercise corporate powers, and to define their rights, powers and privileges, to enable such corporations to purchase and construct connecting and branch roads, and to operate and maintain the same,' approved March 3, 1865, and extending the provisions of the said act to other railroad companies." Also,

Senate bill No. 249, entitled "a bill to provide for the construction and maintenance of fish ladders."

Engrossed Senate bill No. 249. "A bill to provide for the construction and maintenance of fish ladders, and providing penalties for the violation of the same."

Was read a first time, and referred to the Committee on Rights and Privileges."

House bill No. 392, entitled "A bill to authorize the Clerk of the Supreme Court of the State of Indiana to have the papers on file in his office, and the books and records of said office indexed, allowing compensation therefor, and declaring an emergency."

Was read a second time and ordered engrossed.

Mr. Hall moved to suspend the order of business and take up House bill No. 355.

Which was agreed to.

House bill No. 335. An act supplemental to an act for the protection of sidewalks.

Was read a second time, and ordered to be engrossed.

Mr. Fuller moved to suspend the order of business and take up Senate bills Nos. 202, 203 and 146, and also Senate Concurrent Resolution No. 13.

Which was agreed to.

Engrossed Senate bill No. 202, entitled a bill to authorize Railroad Companies to sell, lease, or otherwise dispose of and to contract for the use of their roads, franchises, and property, or any part thereof, and to authorize Railroad Companies to aid other Railroad Companies, in the construction and equipment of their roads.

Was read a first time, and referred to the Committee on Railroads.

Engrossed Senate bill No. 203. An act to amend "An act to authorize, regulate, and confirm the sale of Railroads, to enable purchasers of the same to form corporations, and to exercise corporate powers, and to define their rights, powers, and privileges, to enable such corporations, to purchase and construct connecting and branch roads, and to operate and maintain the same," approved March 3, 1865, and extending the provisions of the said act to other railroad companies.

Was read a first time, and referred to the Committee on Railroads.

Engrossed Senate bill No. 146. A bill to authorize Turnpike Companies to construct branch roads.

Was read a second time and passed to a third reading.

Mr. Ruddell, by leave, introduced House bill No. 394, entitled a bill to enable Cities to aid in the construction of railroads.

Which was read a first time and referred to the Committee on Railroads.

Mr. Williams of Knox, moved that the House do now adjourn.

Which was agreed to.

MONDAY MORNING, 9 o'CLOCK, }
May 10, 1869. }

The House met.

Mr. Zenor moved to dispense with the reading of the Journal.

Which was agreed to.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of Senate bill No. 255, the same was taken up.

Mr. Coffroth moved a call of the House.

It was so ordered.

Those who answered to their names were,

Messrs. Admire, Bates, Beatty Beeler, Bobo, Britton, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cunningham, Davidson, Davis of Elkhart, Davis of Floyd, Dunn, Field of Lake, Field of Lagrange, Fuller, Greene, Hall, Higbee, Hutchings, Hutson, Hyatt, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McDonald, McGregor, Miles, Mitchell, Montgomery, Neff, Osborn, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Taber, Tebbs, Underwood, Welborn, Wile, Williams of Hamilton, Williams of Knox, Williams of Marshall, Wilson, Zenor, Zollars and Mr. Speaker—67.

Mr. Coffroth moved to dispense with the further proceedings under the call.

Which was agreed to.

H. J. Ex. S.—32.

Mr. Cave moved that the House take a recess for fifteen minutes.

Which was not agreed to.

Mr. Coffroth moved that Senate bill No. 255, be postponed and made the special order for to-day at eleven o'clock.

Which was agreed to.

Mr. Zollars moved to take up House bills on second reading.

Which was not agreed to.

Mr. Cave moved to take up House bills on third reading.

Mr. Wilson moved to amend by saying Senate bills on third reading.

Which was not agreed to.

The question being on the motion by Mr. Cave, to take up House bills on the third reading.

It was agreed to.

Mr. Mitchell from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills beg leave to report that they have compared enrolled House bill No. 140 with the engrossed bill, and find the same correctly enrolled.

Mr. Underwood from the Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills to whom was referred House bill No. 392, have compared the same with the original, and find it correctly engrossed.

The Speaker announced that he had signed House bill No. 140.

HOUSE BILLS ON THIRD READING.

Engrossed House bill No. 125. A bill to amend an act entitled "An act to amend the forty-fifth section of 'an act entitled an act to provide for the opening, vacating, and change of highways,'" approved March 5, 1867.

Was read third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Bates, Beatty, Beeler, Bobo, Britton, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Davidson, Davis of Elkhart, Davis of Floyd, Dunn, Field of Lagrange, Fuller, Greene, Hall, Higbee, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Logan, Long, McDonald, McGregor, Mitchell, Mock, Montgomery, Neff, Osborn, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Smith, Stanton, Stewart of Rush, Taber, Tebbs, Underwood, Vater, Welborn, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson, Zollars and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Field of Lake, Mason, Miles and Stewart of Ohio—4.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Engrossed House bill No. 159. A bill to amend section ten of an act entitled "An act to authorize and limit allowances by Courts and Boards of Commissioners, and drafts upon County Treasurers," approved May 27, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Bates, Beatty, Beeler, Britton. Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Davidson, Davis of Elkhart, Davis of Floyd, Dunn, Field of Lake, Field of Lagrange, Fuller, Greene, Hall, Higbee, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McDonald, McGregor, Miles, Mitchell, Mock, Montgomery, Neff, Osborn, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Smith, Stanton, Stewart of Ohio, Taber, Tebbs, Underwood, Vater, Welborn, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson, Zollars, and Mr. Speaker—67.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Williams, of Knox, moved to reconsider the motion by which the House agreed to take up House bills on third reading.

Which was agreed to.

Mr. Sunman moved to take up Senate messages.

Which was agreed to.

Message from the Senate, by Mr. Wilson, the Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate has passed engrossed Senate bill No. 253, entitled, "A bill to

enable the several Criminal Circuit Courts of this State to try and determine suits upon certain forfeited recognizances, defining the duties of Prosecuting Attorneys in the premises."

In which the concurrence of the House is requested.

Engrossed Senate bill No. 253, "A bill to enable the several Criminal Circuit Courts of this State to try and determine suits upon certain forfeited recognizances, defining the duties of Prosecuting Attorneys in the premises."

Was read a first time, and passed to a second reading.

Message from the Senate by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following bills thereof, to-wit:

Senate bill No. 347, entitled "A bill to organize and establish Criminal Courts in and for the counties of Laporte and St. Joseph, to provide for the election and compensation of Judges and Prosecuting Attorneys therefor, to define the jurisdiction of said courts, and to provide for a transfer of actions and business thereto."

Also, Engrossed Senate bill No. 348, entitled "A bill making provision for the citizens of any town, where the plat of the town has been recorded, containing a public donation or grant of a block, public square, or lot of ground, for the public use, without any particular public object specified on said plat, may make application to the Board doing county business to dedicate the same for school purposes on petition and notice thereof."

In which the House is requested to concur.

Engrossed Senate bill No. 347, entitled "A bill to organize and establish Criminal Courts in and for the counties of Laporte and St. Joseph, to provide for the election and compensation of Judges and Prosecuting Attorneys therefor, to define the jurisdiction of said courts, and to provide for the transfer of actions and business thereto."

Was read a first time, and referred to the Committee on the Organization of Courts.

Engrossed Senate bill No. 348, "A bill making provision for the citizens of any town, where the plat of the town has been recorded, containing a public donation or grant of a block, public square, or lot of ground, for the public use, without any particular object specified in said plat, may make application to the Board doing county business to dedicate the same for school purposes on petition and notice thereof.

Was read a first time, and referred to the Committee on Education.

Message from the Senate by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has concurred in Engrossed House amendments to Engrossed Senate bill No. 134.

Also, that the Senate has passed the concurrent resolution which is herewith transmitted, the same having reference to a change of the inmates of the Soldiers' and Seamen's Home, at Knightstown, Indiana, to the National Home, at Dayton, Ohio.

In which the concurrence of the House is requested.

Mr. Davis, of Elkhart, moved to reconsider the vote just taken concurring in the resolution of the Senate.

Which was agreed to.

Mr. Davis, of Elkhart, moved to amend by inserting after the word "Wisconsin," "or Augusta, Maine."

Which was agreed to.

Mr. Williams, of Knox, moved to amend by striking out the words "by the voluntary consent of the inmates," and adding the words, "*Provided*, That any soldier whose life or health may be endangered by the removal, shall remain until such time as he may with safety be removed."

Mr. Davis, of Elkhart, moved to lay the amendment on the table.

Messrs. Williams of Knox and Davis of Elkhart demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beatty, Davis of Elkhart, Dunn, Field of Lagrange, Greene, Hall, Hutson, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Osborn, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Smith, Stanton, Stephenson, Stewart of Ohio, Taber, Underwood, Vater, Williams of Hamilton, Williams of St. Joseph, Wilson and Mr. Speaker—30.

Those who voted in the negative were,

Messrs. Admire, Bates, Beeler, Britton, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Davidson, Dittmore, Field of Lake, Fuller, Higbee, Hutchings, Hyatt, Logan, Long, Mason, McDonald, McGregor, Miles, Miner, Mock, Montgomery, Neff, Shoaff, Shoemaker, Skidmore, Tebbs, Welborn, Wile, Williams of Knox and Zollars—37.

So the motion to lay on the table did not prevail.

The question being on the adoption of the amendment,

Mr. Williams of Knox, by unanimous consent, withdrew the amendment.

The question being on the adoption of the concurrent resolution, as amended,

It was agreed to.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Mitchell, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills, to whom was referred enrolled House bill No. 176, have compared the same with the original, and find it correctly enrolled.

Mr. Stanton, by consent, introduced

House bill No. 395. A bill for extending the time for the meeting of county boards of equalization, and fixing the time within which the county auditors shall produce to said boards an abstract of the appraisements of the real estate of their respective counties.

Read a first time, and passed to a second reading.

Message from the Senate by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate bill No. 276, entitled "A bill for the relief of the heirs of Patrick Donovan, deceased."

In which the concurrence of the House is requested.

Engrossed Senate bill No. 276, "A bill for the relief of the heirs of Patrick Donovan, deceased."

Was read a first time, and passed to a second reading.

Message from the Senate by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following bills thereof, to-wit:

Senate bill No. 308, entitled "An act defining what counties shall constitute the First Judicial Circuit, and fixing the times of holding the courts therein."

In which the concurrence of the House is requested.

Engrossed Senate bill No. 208, "A bill defining what counties shall constitute the First Judicial Circuit, and fixing the time of holding the courts therein."

Was read a first time, and passed to a second reading.

Message from the Senate by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following Engrossed bills thereof, to-wit:

Engrossed Senate bill No. 278, entitled "A bill concerning appeals in cases of contempt."

Also, Engrossed Senate bill No. 284, entitled "A bill to provide for the erection and repair of any bridge across streams forming the boundary line between two counties, and to repeal all laws inconsistent therewith."

In which the concurrence of the House is requested.

Engrossed Senate bill No. 278, "A bill concerning appeals in cases of contempt."

Was read a first time, and passed to a second reading.

Engrossed Senate bill No. 284, "A bill to provide for the erection and repair of any bridge across streams forming the boundary line between two counties, and to repeal all laws inconsistent therewith."

Was read a first time, and passed to a second reading.

Message from the Senate by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed engrossed Senate bill No. 293, entitled "A bill to amend the 35th section of an act defining felonies, and prescribing punishment therefor;" approved June 10, 1852, in which the concurrence of the House is respectfully requested.

Engrossed Senate bill No. 293. "A bill to amend the 35th section of an act defining felonies, and prescribing punishment therefor;" approved June 10, 1852.

Was read a first time.

Mr. Mitchell, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER :

Your Committee to whom was referred House bill No. 11, have compared the same with the original bill, and find it correctly engrossed.

Mr. Miles, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

The Committee on Engrossed Bills, to whom was referred House bill No. 355, have compared the same with the original, and find it correctly engrossed.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of Senate bill No. 255, the same was taken up.

Engrossed Senate bill No. 255. "A bill to save pending suits affected by the passage of the Will Law of 1852."

Was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Admire, Bates, Beatty, Britton, Breckinridge, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lake, Fuller, Furnas, Gordon, Greene, Higbee, Higgins, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, Mason, McDonald, McGregor, Miller, Miles, Miner, Mitchell, Monroe, Montgomery, Neff, Ratliff, Ruddell, Shoaff, Skidmore, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vater, Wile, Williams of Knox, Wilson and Zollars—60.

Those who voted in the negative were,

Messrs. Baker, Beeler, Calvert, Field of Lagrange, Hall, Hamilton, Hutson, Mock, Osborn, Pierce of Porter, Pierce of Vigo, Sa-

bin, Welborn, Wildman, Williams of Hamilton, Williams of St. Joseph and Mr. Speaker—17.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

The Speaker announced that he had signed enrolled act No. 11 of the House.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has concurred in engrossed House amendments to engrossed Senate bill No. 64. Also,

That the Senate has passed the following concurrent resolutions of the House, to-wit:

House concurrent resolution in reference to printing 10,000 copies of the Road Law for the use of supervisors. Also, House concurrent resolution in reference to chaplains of the State Prisons, reporting the number and character of books in prison library.

And the same are herewith returned to the House.

Mr. Stephenson moved that the rules be suspended and that House bill No. 392 be taken up.

Which was agreed to.

Engrossed House bill No. 392. "A bill to authorize the Clerk of the Supreme Court of the State of Indiana to have the papers on file in his office, and the books and records of said office indexed, allowing a compensation therefor, and declaring an emergency."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Beatty, Beeler, Breckinridge, Calvert, Chapman, Coffroth, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lagrange, Greene, Hall, Higbee, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Miner, Overmyer, Ratliff, Ruddell, Sabin, Stanton, Stephenson, Underwood, Welborn, Williams of Hamilton, Wilson and Mr. Speaker—33.

Those who voted in the negative were,

Messrs. Bates, Britton, Calvert, Carnahan, Cave, Cory, Cotton, Cox, Cunningham, Field of Lake, Fuller, Furnas, Gordon, Hamilton, Higgins, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, Mason, McDonald, McGregor, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Osborn, Pierce of Porter, Pierce of Vigo, Shoaff, Skidmore, Smith, Stewart of Ohio, Stewart of Rush, Taber, Tebbs, Vater, Williams of Knox, Williams of St. Joseph and Mr. Speaker—44.

So the bill did not pass.

Mr. Underwood, by consent, offered the following:

Resolved, That the consideration of the Fifteenth Amendment to the Constitution, which was made the special order for May 11, when taken up on that day, shall be further postponed to Friday, May 14, at 2½ o'clock, and made the special order for that hour.

Mr. Coffroth offered the following amendment:

Strike out all after the word "be," in the 7th line, and insert the following—"indefinitely postponed."

Mr. Overmyer moved to lay the amendment on the table.

Messrs. Coffroth and Underwood demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Beatty, Breckinridge, Chapman, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange,

Furnas, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lam-born, Mason, Miller, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vater, Wildman, Williams of Hamilton, Wilson, and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Admire, Bates, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Davis of Floyd, Dittemore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McDonald, McGregor, Miles, Miner, Mitchell, Mock, Montgomery, Neff, Shoaff, Shoemaker, Tebbs, Welborn, Wile, Williams of Knox, and Zollars—33.

So the motion to lay on the table prevailed.

The question being on the adoption of the resolution,

Mr. Underwood moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the adoption of the resolution.

Messrs. Coffroth and Underwood demanded the ayes and noes.

Those who voted in the affirmative were

Messrs. Admire, Bates, Beeler, Bobo, Breckinridge, Carnahan, Cave, Chapman, Cory, Cunningham, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Fairchild, Field of Lake, Field of La-grange, Fuller, Furnas, Greene, Hall, Higbee, Hutchings, Hutson, Hyatt, Johnson of Parke, Jump, Kercheval, Lawler, Long, Mason, McDonald, McGregor, Miles, Mitchell, Montgomery, Overmyer, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Smith, Stephenson, Stewart of Rush, Taber, Tebbs, Underwood, Wile, Williams of Hamilton, Williams of Knox, Wilson, and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Baker, Beatty, Britton, Calvert, Coffroth, Cotton, Gordon, Hamilton, Higgins, Johnson of Marshall, Lamborn, Logan, Miller, Miner, Mock, Monroe, Neff, Osborn, Pierce of Porter, Pierce of Vigo, Shoemaker, Stanton, Stewart of Ohio, Vater, Welborn, Wildman, Williams of St. Joseph, and Zollars—29.

So the resolution was agreed to.

Message from the Senate by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has concurred in Engrossed House amendments to Engrossed Senate bill No. 246.

Mr. Pierce, of Porter, by consent, presented a petition from sundry citizens of Porter county praying for a ratification of the Fifteenth Constitutional Amendment.

Which was referred to the Committee on Elections without reading.

Mr. Osborn moved to reconsider the vote by which the House concurred in Senate amendments to House bill No. 203.

Which was agreed to.

On motion, the bill and amendments were referred to a Special Committee of one from each Congressional District.

Mr. Monroe, by consent, offered the following resolution:

Resolved, That Messrs. A. Furnas, T. J. Vater, M. F. Dunn, M. T. Carnahan, J. F. Welborn, and W. D. Wilson, a committee appointed by the House to examine the geological cabinet of the late David Dale Owen, with a view to its purchase by the State, be each allowed fifteen dollars (15.00) for necessary traveling expenses incurred in going to and returning from New Harmony, to make such examination, and that the Speaker issue his warrants for such sums.

Mr. Underwood moved to suspend the order of business, and take up Senate bill No. 357.

A division was called, and no quorum voting,

On motion, by Mr. Johnson, of Marshall, the House adjourned

MONDAY, 2 O'CLOCK, P. M

The House met.

The Speaker being absent, on motion, Mr. Williams, of Knox, was called to the chair.

Mr. Stewart, of Rush, moved to suspend the order of business, to allow him to make a report from the Railroad Committee.

Which was not agreed to.

Message from the Senate, by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House that he has signed the following enrolled acts of the House of Representatives, to-wit: Nos. 11, 140, and 176, and the same are herewith returned to the House. Also, that he has signed the following enrolled acts of the Senate, to-wit:

Enrolled act No. 161, entitled, "An act to provide for the organization of savings banks, and the safe and proper management of their affairs." Also,

Enrolled act, No. 215, entitled, "An act to authorize aid to the construction of railroads by counties and townships taking stock in, and making donations to, railroad companies." Also,

Enrolled act No. 337, entitled, "An act to make certain appropriations for certain purposes, and upon certain conditions, and

making provisions for the current expenses of the Benevolent Institutions of the State, in cases where the State fails to make the necessary appropriations therefor."

And the same are herewith transmitted for the signature of the Speaker.

Mr. Ratliffe moved to suspend the regular order of business for the purpose of receiving reports of committees.

It was agreed to.

Mr. Dunn, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 89, "A bill to provide for changes of venue in civil and criminal cases, and providing against delays and failures of justice resulting from such changes," would report the same back and recommend its passage.

Which report was laid on the table.

The Speaker announced that he had signed enrolled acts Nos. 215, 161, and 337

Mr. Sabin, from the Committee on Claims, made the following report:

MR. SPEAKER:

Your Committee on Claims, to whom was referred the claim of Daniel Keeley for \$3,266, for services rendered by himself as drum major, by his brother, Isaac Keeley, as fife major, and by his sons, Ira and George Keeley, as drummers to different military posts and regiments in and about Indianapolis during the years 1861-2-3 and 4, upon the order of Gov. Morton, and the commandants of such posts and regiments, have had the same under consideration, and as it appears to said committee, by testimonials adduced before them, that said services were actually performed as alleged in said claim, and that no part thereof has ever been paid by the State or General Government, have instructed me to report the same back

and recommend that that part of said claim which is for the services of the said Daniel Keeley, Ira Keeley and George Keeley, be allowed, making \$2,204, and that the part claimed for the services of Isaac Keeley, being \$1,062, be not allowed, the said Isaac Keeley having since died. And said committee further recommend that said sum of \$2,204 be placed in the Specific Appropriation bill for allowance.

The question being on concurring in the report,

It was not agreed to.

Mr. Tebbs, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of George W. Lozier, for \$19.68, for three days' service and 170 miles mileage, attendance before the Committee on Arbitrary Arrests for session of 1863, have had the same under consideration, and have instructed me to report the same back and recommend its allowance, and that it be placed in the Specific Appropriation bill for payment.

Which report was concurred in.

Mr. Higgins, from the same committee, also made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of Theodore Horton for \$35, for 10 days' service and 300 miles mileage, for attendance as a witness before the Committee on Arbitrary Arrests, session of 1863, have had the same under consideration, and have instructed me to report the same back and recommend its allowance, and that it be placed in the Specific Appropriation bill for payment.

Which report was concurred in.

Mr. Furnas, from the Committee on Rights and Privileges, submitted the following report:

H. J. Ex. S.—33.

MR. SPEAKER:

Your Committee on Rights and Privileges, to whom was referred Senate bill No. 75, entitled "A bill to protect the citizens of Indiana from empiricism, and to elevate the standard of the medical profession," have had the same under consideration, and respectfully ask that it be indefinitely postponed.

Which was agreed to.

Mr. Stewart of Rush, from the Committee on Railroads, submitted the following report:

MR. SPEAKER:

Your Committee on Railroads, to whom was referred Senate bill No. 203, entitled "A bill to amend an act to authorize, regulate and confirm the sale of railroads, to enable the purchasers of the same to form corporations and to exercise corporate powers, and to define their rights, powers and privileges, to enable such corporations to purchase and construct connecting and branch roads, and to operate and maintain the same, approved March 3, 1865, and extending the provisions of said act to other railroad companies," have had the same under consideration and recommend its passage.

Which was laid on the table.

Mr. Stewart of Rush, from the Committee on Railroads, submitted the following report:

MR. SPEAKER:

Your Committee on Railroads, to whom was referred Senate bill No. 202, entitled "A bill to authorize railroad companies to sell, lease, or otherwise dispose of, and to contract for the use of their roads, franchises and property, or any part thereof, and authorizing railroad companies in the construction and equipment of their roads," have had the same under consideration, and report the same back with the recommendation that it do pass.

Which report was laid on the table.

Mr. Stewart of Rush, from the Committee on Railroads, made the following report:

MR. SPEAKER :

Your Committee to whom was referred House bill No. 394, "A bill to enable cities to aid in the construction of railroads," have had the same under consideration, and have directed me to report the same back to the House and recommend its passage.

Which report was laid on the table.

Mr. Williams of Knox, from the Committee on Railroads, made the following report :

MR. SPEAKER :

Your Committee to whom was referred engrossed Senate bill No. 162, "A bill to provide for the service of process upon railroad companies," have had the same under consideration, and have directed me to report the same back and recommend its passage.

Which report was laid on the table.

Mr. Fairchild, from the Committee on County and Township Business, made the following report :

MR. SPEAKER :

Your Committee to whom was referred Senate bill No. 89, entitled "An act to amend an act to enable the owners of wet lands to drain and reclaim them when the same cannot be done without affecting the lands of others, prescribing the powers and duties of county boards and county auditors in the premises, and repealing all laws inconsistent herewith, approved March 11, 1867, by amending sections 3, 4, 5, 6, 9 and 11, and adding section 16, to provide for entering satisfaction of lines acquired under said act, together with the amendments offered for a substitute for said Senate bill No. 89," have had the same under consideration, and instruct me to report the same back with the recommendation that the substitute be adopted, as heretofore set forth, and when the bill is so amended, recommend its passage.

Which report was laid on the table.

Mr. Mason, from the Committee on County and Township Business, made the following report :

MR. SPEAKER:

The Committee on County and Township Business respectfully report that they have had House bill No. 357, "A bill to empower county commissioners to authorize township trustees to levy a tax for the purpose of repairing and insuring bridges," under consideration, and report the same back recommending that it be indefinitely postponed.

Which report was concurred in.

Mr. Lamborn, from the Special Committee on Divorces, submitted the following report:

MR SPEAKER:

Your Committee to whom was referred House bill No. 378, entitled "A bill to amend sections 6, 7 and 10 of an act entitled 'An act regulating granting divorces, nullifying marriages, and decrees and orders of courts incident thereto,' approved May 13, 1852, and repealing all laws and parts of laws in conflict with the same, have had the same under consideration, and submit the following report:

Your Committee believing some legislation necessary on the subject of divorces in order that the character of our State may be cleansed from the odium now attached to it on account of its laws in relation to granting divorces, and also that the marriage relation may be rendered in some measure more secure against the inroads of avarice, perfidy and brutality, beg leave to return the bill under consideration, and recommend its passage.

Which report was laid on the table.

Mr. Gordon, from the Committee on Fees and Salaries, made the following report:

MR SPEAKER:

Your Committee on Fees and Salaries, to whom was referred Senate bill No. 149, "A bill to amend the 17th section of an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855, have had the same under consideration, and have instructed me to report the same back to the House and recommend its passage.

Which report was laid on the table.

Mr. Lamborn, from the Special Committee on Divorces, made the following report :

MR. SPEAKER :

Your Committee to whom was referred House bill No. 360, "A bill to repeal all laws in relation to divorces in this State," return the same and recommend that it be indefinitely postponed.

Which report was concurred in.

Mr. Lamborn, from the Special Committee on Divorces, made the following report :

MR. SPEAKER :

Your Committee to whom was referred House bill No. 363, "A bill fixing the time of granting divorces, and prescribing penalty therefor," have had the same under consideration, and recommend that it be indefinitely postponed.

Which report was concurred in.

Mr. Stanton from the Committee on Ways and Means, made the following report :

MR. SPEAKER :

Your Committee to whom was referred engrossed Senate bill No. 194. A bill to make an appropriation for the payment to the Sinking Fund of money advanced to pay the expense of the erection of the building for the use of the Supreme Court and Officers of the State, have had the same under consideration, and have directed me to report the same back, and recommend its passage.

Which report was laid on the table.

Mr. Stanton moved that it be deemed expedient to suspend the Constitutional rule, and that said bill be read a second time by title, and a third time by sections.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beeler, Britton, Breckinridge, Calvert, Carnahan, Chapman, Coffroth, Cory, Cotton, Cunningham, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Lamborn, Logan, Mason, McDonald, McGregor, Millekan, Miller, Mitchelll, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Ratliff, Sabin, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vater, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zollars and Mr. Speaker—74.

Those who voted in the negative were,

Messrs. Cave, Dittemore, Miles and Miner—4.

So the Constitutional rule was suspended, to read the same a second and third time now.

Engrossed Senate bill No. 194. A bill to make an appropriation for the payment to the Sinking Fund, of money advanced to pay the expense of the erection of the building for the use of the Supreme Court and Officers of State.

Was read a second time by title, and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative, were,

Messrs. Addison, Baker, Barnett, Barritt, Beatty, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Davidson, Davis of Elkhart, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Johnson of Montgomery, Johnson of Marshall, Jump, Lawler, Lamborn, McDonald, Millekan, Miller, Monroe, Osborn, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of

Rush, Sunman, Taber, Tebbs, Underwood, Vater, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Admire, Coffroth, Cotton, Cunningham, Davis of Floyd, Fuller, Hutchings, Hyatt, Logan, McGregor, Miles, Miner, Montgomery, Neff, Odell, Overmyer, Shoemaker, Sleeth, and Zollars—17.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Stanton introduced, by consent, House bill No. 396. A bill making Specific Appropriations for the year one thousand eight hundred and sixty-nine.

Which was read a first time, and referred to the Committee on Ways and Means.

Mr. Stewart of Rush, by consent, offered the following resolution:

Resolved, That the members of the House Committee that visited the Asylum of the National Soldiers' Home, at Dayton, Ohio, be allowed the sum of eight dollars each, to defray the expenses of the trip, and the Speaker of the House is authorized to issue warrants for the same.

The question being on the adoption of the resolution.

It was agreed to.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 375, the same was taken up.

Mr. Underwood moved to suspend the Constitutional rule requiring bills to be read on three several days, and read the said bill by the title a second time, and a third time by sections, together with Senate bills Nos. 270, 230, and House bill No. 315.

The ayes and noes are taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Bates, Beatty, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dittmore, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Greene, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Lamborn, Logan, Long, Mason, McDonald, Millekan, Miller, Miles, Miner, Mitchell, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Ratliff, Ruddell, Sabin, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stewart of Ohio, Sunman, Tebbs, Underwood, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zollars and Mr. Speaker—72.

Those who voted in the negative were,

Messrs. Kercheval, Pierce of Porter, Pierce of Vigo, and Taber,—4.

So it was deemed expedient to suspend the constitutional rule, and said bill was read a second time by title.

House bill No. 376, entitled, "A bill to incorporate Life Insurance Companies, to make certain provisions concerning contracts of Life Insurance, to regulate the agencies of foreign Life Insurance Companies doing business in this State, repealing all laws in conflict with this act, and declaring an emergency."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Bates, Beatty, Breckinridge, Chapman, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lagrange, Gordon, Green, Hall, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Kercheval, Lamborn, Long, McBride, McDonald, Millekan, Miller, Miles, Mitchell, Monroe, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Smith, Stanton, Stephenson, Stewart of Rush, Stewart of Ohio, Taber, Tebbs, Underwood, Vater, Wile, Wildman, Williams of Hamilton, and Williams of St. Joseph—52.

Those who voted in the negative were,

Messrs. Addison, Britton, Calvert, Carnahan, Cave, Field of Lake, Gilham, Hutchings, Hyatt, Johnson of Montgomery, Jump, Logan, McGregor, Miner, Mock, Montgomery, Neff, Osborn, Pierce of Porter, Pierce of Vigo, Sunman, Welborn, Williams of Knox, Williams of Union, and Zollars—24.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Hyatt asked leave of absence until Friday.

Which was not granted.

Engrossed Senate bill No. 230, entitled, "A bill to amend section four of an act, approved February, 1865, entitled, 'An act appointing Commissioners to sell certain real estate herein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof, until the same is provided, and matters properly connected therewith.'"

Was read a second time by title and a third time by sections.

The question being, shall the bill pass?

Mr. Zollars moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question recurring on the passage of the bill.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barnett, Barritt, Bates, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Dittemore, Fairchild, Fuller, Gordon, Greene, Hutchings, Higgins, Hyatt, Johnson of Montgomery, Johnson of Parke, Lawler, Logan, Long, McBride, McDonald, McGregor, Millekan, Miller, Miles, Miner, Mock, Montgomery, Neff, Odell, Pierce of Vigo, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Sunman, Vater, Welborn, Wile, Williams of Knox, Zollars, and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Baker, Beatty, Breckinridge, Chapman, Davis of Elkhart, Davis of Floyd, Dunn, Field of Lake, Field of Lagrange, Furnas, Hall, Higbee, Hutson, Johnson of Marshall, Jump, Kercheval, Lamborn, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Stanton, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, and Wilson—35.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Mitchell, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills report, that they have compared House bill No. 90 with the original, and find the same correct.

Mr. Welborn in the chair.

Mr. Buskirk moved to reconsider the vote just taken.

Mr. Coffroth moved to lay the motion to reconsider on the table.

Mr. Buskirk raised the following point of order.

That it was not competent for a member to move to lay the motion on the table, inasmuch as the House was acting under a special order, to-wit: The same suspension of the constitutional rule on a series of bills, and that order was not fully completed.

Mr. Kercheval moved that the House do now adjourn.

Mr. Gordon and fifteen others demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett, Barritt, Beatty, Chapman, Davis of Elkhart, Dittmore, Field of Lake, Field of Lagrange, Higbee, Johnson of Parke, Kercheval, Lawler, Lamborn, Long, Monroe, Osborn, Overmyer, Pierce of Porter, Stephenson, Stewart of Ohio, Taber, Williams of Hamilton, and Williams of St. Joseph—23.

Those who voted in the negative were,

Messrs. Addison, Admire, Baker, Bates, Beeler, Britton, Breckinridge, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Floyd, Dunn, Fairchild, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Logan, Mason, McBride, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Montgomery, Neff, Odell, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Smith, Stanton, Stewart of Rush, Sunman, Tebbs, Underwood, Welborn, Wile, Wildman, Williams of Knox, Wilson, Zollars, and Mr. Speaker—63.

So the motion to adjourn did not prevail.

Mr. Buskirk moved to reconsider the vote just taken.

Messrs. Kercheval and Buskirk demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Chapman, Coffroth, Cory, Cotton, Davis of Elkhart, Dittemore, Field of Lake, Field of Lagrange, Furnas, Hall, Higbee, Hutson, Johnson of Parke, Jump, Kercheval, Lawler, Lamborn, Mason, Miner, Osborn, Pierce of Porter, Ratliff, Smith, Stewart of Rush, Taber, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, and Mr. Speaker—34.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Britton, Breckinridge, Calvert, Carnahan, Cave, Cunningham, Davidson, Davis of Floyd, Dunn, Fairchild, Gilham, Gordon, Higgins, Hutchings, Hyatt, Johnson of Marshall, Logan, Long, McBride, McDonald, McGregor, Milikan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Overmyer, Pierce of Vigo, Ruddell, Shoaff, Shoemaker, Skidmore, Stephenson, Sunman, Tebbs, Underwood, Vater, Welborn, Wile, Wildman, Williams of Knox, and Zollars—50.

So the motion to reconsider did not prevail.

Mr. Lamborn moved that the House do now adjourn.

Which motion the Speaker ruled to be out of order, inasmuch as the last proceedings were on a similar motion to adjourn.

Whereupon, Mr. Buskirk submitted the following appeal:

MR. SPEAKER:

We, the undersigned, respectfully appeal from the decision of the Chair in deciding that a motion to adjourn was out of order, for the reason that a similar motion had been made and lost, but upon which there had been a motion made to reconsider, which motion to reconsider was voted upon, upon a demand of the ayes and noes, and was lost.

The question being,^o shall the decision of the Chair be the judgment of the House?

Messrs. Cory and Cox demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beeler, Britton, Carnahan, Cave, Davidson, Fairchild, Gordon, Higgins, Jump, Mason, McBride, Mock, Ratliff, Smith, and Welborn—15.

Those who voted in the negative were,

Messrs. Addison, Admire, Baker, Barritt, Bates, Beatty, Chapman, Coffroth, Cory, Cotton, Cox, Cunningham, Davis of Elkhart, Davis of Floyd, Dittmore, Field of Lake, Field of Lagrange, Fuller, Gilham, Greene, Hall, Higbee, Hutchings, Hutson, Hyatt, Johnson of Parke, Johnson of Marshall, Kercheval, Lawler, Lamborn, Logan, Long, McDonald, McGregor, Millekan, Miller, Miles, Monroe, Montgomery, Odell, Osborn, Overmyer, Pierce of Vigo, Rudell, Sabin, Shoaff, Skidmore, Sleeth, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Zollars, and Mr. Speaker—63.

So the decision of the Chair was not sustained.

Mr. Buskirk, by consent, withdrew his motion to reconsider the vote on the passage of Senate bill No. 230.

Mr. Coffroth moved to reconsider the vote by which the House passed Senate bill No. 230, and moved to lay that motion on the table.

Pending which, on motion by Mr. Baker,

The House adjourned.

TUESDAY MORNING, 9 o'clock, }
 May 11, 1869. }

The House met.

On motion of Mr. Davidson, the reading of the Journal was dispensed with.

Mr. Cory, by consent, introduced House bill No. 397, entitled, "A bill declaring what counties shall constitute the Fourth Judicial Circuit, fixing the time of holding courts therein, and repealing act approved April 22, 1869, creating the Twenty-sixth Judicial Circuit.

Was read a first time.

Mr. Cory moved that it be expedient to suspend the constitutional rule, that the bill may be read a second time by title, and a third time by sections, now.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were,

Messrs. Admire, Barrett, Bates, Beeler, Britton, Breckinridge, Calvert, Carnahan, Coffroth, Cory, Cotton, Cox, Cunningham, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gordon, Hamilton, Higbee, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Lamborn, Long Mason, McBride, McDonald, McGregor, Miles, Miner, Mitchell, Mock, Montgomery, Neff, Odell, Palmer, Pierce of Porter, Pierce of Vigo, Shoaff, Stephenson, Stewart of Ohio, Sunman, Welborn, Wile, and Williams of Knox—51.

Those who voted in the negative were,

Messrs. Baker, Barnett, Beaty, Cave, Chapman, Dunn, Furnas, Greene, Hall, Johnson of Parke, Johnson of Marshall, Jump, Kercheval Lawler, Lamborn, Millekan, Miller, Monroe, Osborn, Over-

myer, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stanton, Stewart of Rush, Taber, Tebbs, Underwood, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson, and Mr. Speaker—37.

So it was not deemed expedient to suspend the constitutional rule, for the purposes as heretofore set forth.

Mr. Welborn asked leave of absence from to-day, indefinitely.

Mr. Carnahan moved that the request be granted.

Which was agreed to.

Mr. Vater moved to reconsider the vote by which the House refused to concur in the report of the Committee on Claims, making an allowance to Daniel Keeley for services in the drum corps, during the late rebellion.

Mr. McBride moved to reconsider the vote by which the House refused to pass House bill No. 75.

SPECIAL ORDER FOR THE DAY.

At the adjournment last evening, the House was acting under a suspension of the constitutional rule, on House bill No. 315, and Senate bill No. 270

The same was taken up.

House bill No. 315, entitled, "A bill to authorize the Boards of County Commissioners of the several counties of this State, to make appropriations and donations for purposes therein mentioned."

Was read a second time.

Mr. Odell moved that the bill be considered as engrossed for a third reading now.

Which was agreed to.

House bill No. 315 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Bates, Beeler, Beaty, Britton, Breckinridge, Calvert, Carnahan, Cave, Coffroth, Cox, Cotton, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gordon, Greene, Hamilton, Higbee, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McGregor, Millekan, Miller, Miner, Mitchell, Mock, Monroe, Odell, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vater, Welborn, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, and Mr. Speaker.—80.

Those who voted in the negative were,

Messrs. Admire, Cox, Miles, Montgomery, Neff, and Pierce of Porter—6.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Underwood, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills, to whom was referred House bill No. 376, have compared the same with the original, and find it, in all respects, correct.

Engrossed Senate bill No. 270, entitled "A bill to provide for the payment of certain claims for ditching swamp lands out of the General Swamp Land Fund."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barnett, Coffroth, Cory, Cotton, Cox, Davis of Floyd, Dittmore, Field of Lagrange, Greene, Hall, Hutson, Hyatt, Johnson of Parke, Lawler, Lamborn, McBride, McGregor, Miller, Mock, Monroe, Odell, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Stanton, Stephenson, Stewart of Rush, Sunman, Tebbs, Underwood, Wile, Wildman, Williams of Hamilton, Williams of Union, Wilson, and Mr. Speaker—41.

Those who voted in the negative were,

Messrs. Addison, Admire, Baker, Barritt, Bates, Beatty, Beeler, Britton, Brickinridge, Calvert, Carnahan, Cave, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Fuller, Furnas, Gordon, Higbee, Hutchings, Johnson of Montgomery, Johnson of Marshall, Jump, Kercheval, Logan, Long, Mason, McDonald, Millekan, Miles, Miner, Mitchell, Montgomery, Pierce of Porter, Shoemaker, Skidmore, Sleeth, Smith, Stewart of Ohio, Taber, Vater, Williams of Knox, and Williams of St. Joseph—45.

So the bill failed to pass.

Mr. Ruddell moved to suspend the regular order of business, and take up House bills Nos. 394 and 314, and Senate bills Nos. 202, 203, 349, and 146.

Mr. Johnson, of Marshall, moved to lay the motion on the table.

Which was agreed to.

Mr. Wilson moved to suspend the regular order of business, and take up Senate bills Nos. 308 and 146.

Mr. Johnson, of Parke, moved to lay the motion on the table.

Which was agreed to.

Mr. Overmyer moved that the House do now proceed to the consideration of House bills on third reading.

Which was agreed to.

H. J. Ex. S.—34.

Mr. Underwood moved to postpone the consideration of the Constitutional Amendment known as the Fifteenth Article until Friday next at 2½ o'clock.

Which was agreed to.

HOUSE BILLS ON THIRD READING.

Mr. Osborn moved to reconsider the vote by which the House refused to pass House bill No. 392.

Engrossed House bill No. 274, "A bill to authorize the issuing of arms and equipments to regularly incorporated military companies, and declaring an emergency."

Having failed for the want of a constitutional majority,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Breckinridge, Davis of Elkhart, Fairchild, Field of Lake, Field of Lagrange, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Millekan, Miller, Monroe, Osborn, Overmyer, Pierce of Porter, Ruddell, Skidmore, Smith, Stanton, Stephenson, Underwood, Vater, Williams of Hamilton, Williams of St. Joseph, Williams of Union, and Mr. Speaker—39.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Davidson, Dittimore, Dunn, Fuller, Furnas, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McGregor, Miles, Miner, Mitchell, Mock, Montgomery, Neff, Odell, Palmer, Pierce of Vigo, Ratliff, Sabin, Shoaff, Shoemaker, Sleeth, Stewart of Ohio, Sunman, Taber, Tebbs, Wile, Wildman, and Williams of Knox—44.

So the bill failed to pass.

Engrossed House bill No. 208, "A bill to legalize conveyances of real estate made by married women, under the age of twenty-one

years, where they have joined with their husbands in deed conveying his land where such husband is now living, and declaring an emergency."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Bates, Beatty, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Fairchild, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Johnson of Montgomery, Johnson of Parke, Jump, Lamborn, Logan, Long, Mason, McBride, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Shoaff, Shoemaker, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Sunman, Taber, Tebbs, Underwood, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph and Mr. Speaker—76.

Mr. Hyatt voting in the negative—1.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Engrossed House bill No. 257. "A bill to amend section 1 of an act entitled 'An act providing for the election or appointment of supervisors of highways, and prescribing the time of electing the same,' and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Bates, Beatty, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Cotton, Davidson, Davis of Elkhart, Davis of Floyd, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Lawler, Lamborn, Logan, Long, Mason, McBride, McGregor, Millekan, Miller, Miner, Mitchell, Mock, Monroe, Montgomery, Odell, Overmyer, Pierce of Vigo, Sabin, Shoaff, Shoemaker, Smith, Sunman, Taber, Underwood, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph and Mr. Speaker—62.

• Those who voted in the negative were,

Messrs. Cory, Cox, Fuller, Hutchings, Neff, Osborn, Pierce of Porter, Ratliff, Skidmore, Sleeth, Stanton and Stewart of Rush—12.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Coffroth moved to take up House bill No. 157.

Which was agreed to.

House bill No. 157. "A bill to regulate the publication of legal advertisements,"

Was taken up with amendments.

The question being on the adoption of the amendments,

It was agreed to.

On motion by Mr. Coffroth, the bill was considered engrossed

Engrossed House bill No. 157. "A bill to regulate the publication of legal advertisements,"

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Barnett,¹ Bates, Beatty, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, Long, Mason, McBride, McGregor, Millekan, Miller, Miner, Mitchell, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Underwood, Vater, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union and Mr. Speaker—79.

No member voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Engrossed House bill No. 262. "A bill to amend sections 3 and 8 of an act to regulate the inspection of petroleum oils for illuminating purposes;" approved March 9, 1863.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Beatty, Beeler, Britton, Breckinridge, Chapman, Cory, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Fairchild, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higbee Hutson, Johnson of Parke, Jump, Kercheval, McDonald, Miller, Miner, Odell, Osborn, Overmyer, Palmer, Pierce of Porter, Sabin, Shoaff, Shoemaker, Sleeth, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vater, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Barnett, Barritt, Calvert, Carnahan, Cave, Field of Lake, Fuller, Hamilton, Higgins, Hyatt, Lamborn, Logan, Long, McGregor, Mock, Monroe, Montgomery, Skidmore, Tebbs and Wile—19.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Field of Lake, from the Committee on Engrossed bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills respectfully report that they have compared House bill No. 238, with the original, and find the same in all respects correct.

Engrossed House bill No. 238. A bill authorizing County Commissioners to donate money in aid of Railroads, and to appropriate money out of the County Treasury, for the purpose of building bridges, for the accommodation of the people of their re-

spective counties, and legalizing appropriations heretofore made for such purposes.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barnett, Barritt, Beatty, Beeler, Chapman, Cory, Cotton, Dittemore, Dunn, Fuller, Gilham, Higgins, Hutchings, Hutson, Johnson of Parke, Lamborn, McBride, McDonald, Millekan, Miner, Monroe, Osborn, Ruddell, Skidmore, Sleeth, Stanton, Stephenson, Tebbs, Underwood, Wile, Williams of Union and Mr. Speaker—29.

Those who voted in the negative were,

Messrs. Addison, Admire, Baker, Bates, Britton, Breckinridge, Calvert, Carnahan, Cave, Cox, Davidson, Davis of Elkhart, Fairchild, Field of Lake, Field of Lagrange, Gordon, Greene, Hall, Higbee, Hyatt, Johnson of Marshall, Jump, Logan, Long, McGregor, Miller, Miles, Montgomery, Neff, Odell, Palmer, Pierce of Porter, Pierce of Vigo, Sabin, Shoaff, Smith, Stewart of Ohio, Stewart of Rush, Taber, Vater, Williams of Hamilton, Williams of Knox and Williams of St. Joseph—44.

So the bill failed to pass.

Engrossed House bill No. 278. A bill to amend the title of an act entitled "An act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show or legerdemain."

Was read third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barritt, Bates, Beatty, Beeler, Britton, Breckinridge, Calvert, Carnahan, Chapman, Cotton, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild,

Field of Lake, Field of Lagrange, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Logan, Long, McBride, McDonald, McGregor, Millekan, Miller, Miles, Miner, Mock, Neff, Odell, Osborn, Overmyer, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Stanton, Stewart of Rush, Underwood, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Barnett, Cave, Monroe, Montgomery, Palmer, Pierce of Porter, Pierce of Vigo, Shoemaker, Smith, Stewart of Ohio, Taber and Tebbs—12.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Engrossed House bill No. 282. A bill to amend the twenty-eighth section of an act to regulate the sale of Swamp Lands donated by the United States, to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant, approved May 29, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Greene, Hall, Higbee, Hutchings, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Logan, Long, McBride, McDonald,

Millekan, Miller, Miles, Miner, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoemaker, Skidmore, Sleeth, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox and Mr. Speaker—72.

Those who voted in the negative were,

Messrs. Hyatt, Pierce of Porter and Williams of St. Joseph.
—3.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Engrossed House bill No. 231. A bill defining a certain misdemeanor, and prescribing penalties therefor.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Breekinridge, Calvert, Carnahan, Cave, Chapman, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Logan, Long, Mason, McBride, McDonald, Millekan, Miller, Miles, Miner, Mock, Monroe, Neff, Odell, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, and Mr. Speaker—75.

Mr. Pierce, of Porter, voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill ?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Osborn, by consent, offered the following resolution :

Resolved, That for the purpose of passing important bills, the roll shall be called, and each member, in response to his name, may name any Senate bill or any House bill, on third reading, and to be acted upon by the House, and the rule shall be suspended for the purpose, and the further proceeding under the present suspension be suspended.

Mr. Britton moved to lay the resolution on the table.

Which was agreed to.

Engrossed House bill No. 380, entitled, "A bill to amend section twenty-seven of an act entitled, 'An act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed,'" approved March 6, 1865.

Was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beaty, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Cory, Cotton, Cox, Davidson, Davis of Floyd, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Gordon, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of

Parke, Lamborn, Logan, Mason, McBride, McDonald, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Palmer, Pierce of Vigo, Ratliff, Sabin, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, and Mr. Speaker—72.

Those who voted in the negative were,

Messrs. Greene, and Johnson of Marshall—2.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same

Mr. Pierce, of Porter, moved that Senate bills Nos. 316 and 317, and House bill No. 378, be made the special order for ten o'clock to-morrow.

Which was agreed to.

Engrossed House bill No. 166, entitled, "A bill requiring the publication of legal advertisements and notices to be published in German newspapers, in certain cases."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Bates, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Cory, Cotton, Cox, Davis of Floyd, Dunn, Fairchild, Field of Lagrange, Field of Lake, Furnas, Gilham, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Logan, Mason, McBride, McDonald, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn,

Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stephenson, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, and Mr. Speaker—69.

Those who voted in the negative were,

Messrs. Barnett, Barritt, Beatty and Davidson—4.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill.

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Cory moved that the House do now adjourn.

Which was not agreed to.

Engrossed House bill No. 229, entitled, "A bill to prevent the destruction of wild, harmless birds, birds of song, insectious birds, and their nests and eggs in this State, and fixing the penalty for the same."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Barnett, Beeler, Britton, Breckinridge, Chapman, Cotton, Cox, Davis of Elkhart, Davis of Floyd, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Greene, Hall, Higbee, Higgins, Hutson, Johnson of Montgomery, Johnson of Parke, Jump, Millekan, Miller, Miner, Monroe, Odell, Osborn, Pierce of Porter, Ratliff, Sabin, Shoemaker, Stanton, Stephenson, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vater, Wile, Wildman, Williams of Knox, Williams of St. Joseph, and Williams of Union—47.

Those who voted in the negative were,

Messrs. Admire, Baker, Bates, Beatty, Calvert, Carnahan, Cave, Davidson, Gordon, Hyatt, Johnson of Marshall, Kercheval, Lamborn, Logan, McBride, McGregor, Miles, Mitchell, Mock, Montgomery, Neff, Palmer, Shoaff, Williams of Hamilton, and Mr. Speaker—25.

So the bill failed to pass for the want of a constitutional majority.

On motion by Mr. Wildman, the House adjourned.

TUESDAY, 2 O'CLOCK, P. M.

The House met.

Mr. Wildman moved to reconsider the vote by which the House refused to pass Senate bill No. 75, and that it be referred to a special committee of five.

Which was agreed to.

Whereupon, the Speaker announced the following Special Committee on Senate bill No. 75:

Messrs. McBride, Chittenden, Jump, Hutchings, and Lamborn.

Mr. Williams, of Hamilton, offered the following resolution:

WHEREAS, We did, at the regular, and have, at the present session, spent a great deal of time unnecessarily which we might have spent in necessary legislation; now, therefore,

Resolved, In order to get through with and finish up the necessary legislation which is before us, we will hold night sessions, commencing at 7½ o'clock P. M. on the present instant.

Which was not agreed to.

HOUSE BILLS ON THIRD READING.

Engrossed House bill No. 246, "A bill to enable railroad companies to issue bonds, to sell them to cities, towns and counties; to authorize cities, towns and counties to issue bonds with which to buy such railroad bonds."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barnett, Beeler, Britton, Calvert, Chapman, Chittenden, Cory, Davidson, Davis of Floyd, Dittemore, Dunn, Fuller, Hall, Higbee, Hutchings, Hutson, Jump, Kercheval, Monroe, Ruddell, Stanton, Stephenson, Sunman, Wildman, Williams of Knox, and Mr. Speaker—27.

Those who voted in the negative were,

Messrs. Baker, Bates, Cotton, Davis of Elkhart, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gordon, Greene, Higgins, Hyatt, Johnson of Marshall, Lawler, Lamborn, Logan, McBride, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Montgomery, Neff, Odell, Overmyer, Pierce of Porter, Pierce of Vigo, Sabin, Skidmore, Sleeth, Smith, Stewart of Ohio, Stewart of Rush, Taber, Tebbs, Underwood, Vater, Wile, Williams of Hamilton, Williams of St. Joseph, and Williams of Union—43.

So the bill did not pass.

Engrossed House bill No. 281, "A bill to apprehend and convict persons accused of having committed crimes and misdemeanors."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Chapman, Cox, Chittenden, Dittemore, Fuller, Hall, Hutson, Hyatt, Long, McBride, McGregor, Miller, Miles, Mock, Montgomery, Stephenson, Williams of Hamilton, and Wilson—18.

Those who voted in the negative were,

Messrs. Baker, Barnett, Barritt, Bates, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Chittenden, Coffroth, Cory, Cotton, Davidson, Davis of Elkhart, Davis of Floyd, Dunn, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Higbee, Higgins, Hutehings, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Mason, McDonald, Millekan, Mitchell, Monroe, Neff, Odell, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vater, Wile, Wildman, Williams of Knox, Williams of St. Joseph, Williams of Union, and Mr. Speaker—65.

So the bill failed to pass.

Engrossed House bill No. 284, "A bill to legalize the proceedings of the Common Councils of cities in Indiana in opening streets and alleys."

Was read a third time.

Mr. Neff moved that the bill be indefinitely postponed.

Which was agreed to.

Engrossed House bill No. 148, "A bill in relation to the payment of costs in certain appeal cases under the act in relation to public and private highways."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Davis of Elkhart, Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Gilham, Greene, Hall, Higbee, Hutson, Johnson of Parke, Kercheval, Mason, Miles, Monroe, Odell, Overmyer, Pierce of Vigo, Skidmore, Stanton, Underwood, Williams of St. Joseph, Williams of Union and Mr. Speaker—39.

Those who voted in the negative were,

Messrs. Coffroth, Cotton, Cox, Davidson, Dittemore, Field of Lake, Gordon, Higgins, Hutchings, Hyatt, Johnson of Marshall, Jump, Lamborn, Logan, Long, McDonald, McGregor, Millekan, Miller, Miner, Mitchell, Mock, Montgomery, Neff, Palmer, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Sleeth, Smith, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Vater, Welborn, Wile, Wildman, Williams of Hamilton and Wilson—44.

So the bill did not pass.

Engrossed House bill No. 232. "A bill allowing an increased rate of toll on turnpike and gravel roads in certain cases, repealing conflicting laws, and declaring an emergency."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barnett, Barritt, Bates, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Field of Lake, Field of Lagrange, Fuller, Greene, Higby, Higgins, Hutson, Hyatt, Johnson of Parke, Jump, Logan, Mason, McDonald, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Odell, Palmer, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoemaker, Skidmore, Smith, Stanton, Stephenson, Stewart of Rush, Taber, Tebbs, Underwood, Welborn, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Admire, Baker, Beatty, Beeler, Britton, Fairchild, Furnas, Gilham, Gordon, Johnson of Marshall, Kercheval, Lawler, Lamborn, Long, McBride, Miner, Montgomery, Neff, Osborn, Overmyer, Pierce of Vigo, Sleeth, Sunman, Vater and Wile—25.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Engrossed House bill No. 199. "A bill to prevent the spread of distemper among horses, and providing penalties therefor."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barritt, Beatty, Beeler, Britton, Breckinridge, Calvert, Carnahan, Chittenden, Coffroth, Cotton, Cox, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gordon, Greene, Hall, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Kercheval, Lamborn, Mason, McBride, McGregor, Milikan, Miller, Miles, Mitchell, Montgomery, Odell, Osborn, Palmer, Pierce of Porter, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stanton, Stewart of Rush, Sunman, Taber, Underwood, Vater, Welborn, Williams of Hamilton, Williams of Knox, Williams of St. Joseph and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Barnett, Bates, Cave, Davidson, Davis of Elkhart, Dittmore, Gilham, Jump, Lawler, Logan, McDonald, Miner, Neff, Overmyer, Ratliff and Tebbs—16.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Stanton moved to dispense with the reading of House bills on third reading for the purpose of taking up House bill No. 396.

Which was agreed to.

Mr. Stanton, from the Committee on Ways and Means, submitted the following report:

MR. SPEAKER:

Your Committee, to whom was referred House bill No. 396, entitled "A bill making specific appropriations for the year one thousand eight hundred and sixty-nine," have had the same under consideration, and report the same back and recommend the adoption of sections 14 to 18, inclusive, as amendments to said bill, and that when so amended the same do pass.

Which report was laid on the table.

House bill No. 396. "A bill making specific appropriations for the year 1869."

Was read a second time.

Mr. Stewart of Rush offered the following amendment:

Amend by striking out "ten" and inserting "twenty-five" dollars to each of the Prison Committee.

Mr. Britton moved to lay the motion on the table.

Which was not agreed to.

The question being on the adoption of the amendment,

It was agreed to.

Mr. Stanton moved to amend section five, by allowing \$86 50, being in full for principal and interest.

Which was agreed to.

Mr. McDonald offered the following amendment:

SEC. —. That each member of the House be allowed \$15 each, to correspond with the amount drawn by each member of the Sen-

ate, for stationery and stamps, during the present special session of 1869.

Which was agreed to by unanimous consent.

Mr. Wildman offered the following amendment:

SEC. —. That the sum of \$374 29 be allowed D. M. Dryden, for money and interest on same paid D. and J. Howard, in 1862, for repairs on the gunboat "Chilicothe," upon the order of Governor Morton.

Mr. Vater moved to amend by adding

SEC. —. To pay the claim of Daniel Keeley, the sum of \$2,139 is hereby appropriated.

Mr. Coffroth moved to lay the amendment on the table.

Messrs. Vater and Coffroth demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Admire, Bates, Britton, Calvert, Carnahan, Coffroth, Cory, Cotton, Cox, Hutson, Hyatt, Johnson of Parke, Logan, McGregor, Miner, Montgomery, Neff, Odell, Palmer, Sleeth and Wile—31.

Those who voted in the negative were,

Messrs. Baker, Barnett, Barritt, Beatty, Beeler, Breckinridge, Chittenden, Davidson, Davis of Elkhart, Davis of Floyd, Dittmore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Higgins, Johnson of Marshall, Jump, Kercheval, Lamborn, Long, Mason, McBride, McDonald, Millekan, Miles, Miller, Mitchell, Mock, Montgomery, Osborn, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vater, Welbern, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, and Mr. Speaker—64.

So the motion to lay on the table did not prevail.

The question recurring on the adoption of the amendment offered by Mr. Vater,

Mr. Monroe moved the previous question, which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the adoption of the amendment,

Messrs. Coffroth and Odell demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beaty, Beeler, Britton, Breckinridge, Chittenden, Davidson, Davis of Elkhart, Davis of Floyd, Dunn, Fairchild, Field of Lagrange, Gilham, Gordon, Hall, Higbee, Higgins, Johnson of Parke, Jump, Kercheval, Lamborn, Long, Mason, McBride, McDonald, Millekan, Miles, Mitchell, Mock, Monroe, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union and Wilson—53.

Those who voted in the negative were,

Messrs. Admire, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Dittemore, Field of Lake, Furnas, Greene, Hutson, Hyatt, Johnson of Marshall, Logan, McGregor, Miller, Miner, Montgomery, Neff, Odell, Osborn, Palmer, Pierce of Vigo, Sleeth, Welborn, Wile, and Mr. Speaker.—30.

So the amendment by Mr. Vater was agreed to.

The question recurring on the amendment offered by Mr. Wildman,

It was not agreed to.

Mr. Ruddell moved to amend by adding the following:

SEC. —. That the Spencer House be allowed the sum of \$3 75.

Which was agreed to.

Mr. Furnas offered the following amendment:

SEC. —. That the sum of \$20,000 be, and the same is hereby appropriated, or so much thereof as may be necessary, for the purpose of purchasing and removing to Indianapolis, the Mineralogical Collection of the late David Dale Owen, M. D., and that the Governor of the State is hereby authorized to draw his warrant upon the State Treasury for said sum, whenever the said collection shall have been purchased, in pursuance of a resolution passed by the House of Representatives.

Which was agreed to.

Mr. Johnson, of Marshall, offered the following amendment:

SEC. —. That the sum of \$110 be allowed Samuel Beatty, for money expended by him in paying witness and notarial fees, in contesting his seat in this House.

The question being on the adoption of the amendment,

Mr. Wilson moved the previous question, which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the adoption of the amendment,

Messrs. Wile and Dittmore demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barnett, Chapman, Chittenden, Coffroth, Davidson, Davis of Elkhart, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gordon, Hall, Higbee, Higgins, Johnson of Parke, Johnson of Marshall, Jump, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Palmer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stanton, Underwood, Vater, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, and Mr. Speaker—40.

Those who voted in the negative were,

Messrs. Baker, Barritt, Bates, Britton, Breckinridge, Calvert, Car-

nahan, Cave, Cory, Cotton, Davis of Floyd, Dittemore, Dunn, Greene, Hyatt, Johnson of Montgomery, Long, Mason, McDonald, McGregor, Miles, Miner, Mock, Montgomery, Neff, Odell, Osborn, Shoaff, Shoemaker, Sleeth, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Welborn, Wile, and Wilson—37.

So the amendment by Mr. Johnson of Marshall was agreed to.

Mr. Wildman offered the following amendment :

“SEC. —. That the sum of three hundred and seventy-four dollars (\$374.00) be allowed D. M. Dryden for the use of D. and J. Howard for money and interest on the same, paid in 1862, for repairs on the gunboat ‘Chillicothe,’ upon the order of Governor Morton.”

Which was agreed to.

Mr. Coffroth offered the following amendment :

“SEC. —. That James Peelle be allowed the sum of one hundred (\$100.00) for expenses in the contested election case of Beatty *vs.* Peelle.”

Mr. McDonald offered the following amendment to the amendment :

“SEC. —. That Mr. J. R. Peelle be allowed ninety-nine dollars (\$99.00) for costs and expenses in his contest with Mr. Beatty for a seat in the Forty-Sixth General Assembly.”

Which was accepted by Mr. Coffroth.

Mr. Wilson moved to lay the amendment on the table.

Messrs. Fuller and Wilson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Dunn, Gordon, Greene, Higgins, Johnson of Montgomery, Lamborn, Logan, Mason, Neff, Overmyer, Vater, Welborn, Williams of Union, and Wilson—13.

Those who voted in the negative were,

Messrs. Admire, Barritt, Bates, Beatty, Britton, Breckinridge,

Calvert, Carnahan, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Floyd, Dittemore, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Hall, Higbee, Hyatt, Johnson of Parke, Johnson of Marshall, Lamborn, Logan, McBride, McDonald, McGregor, Millekan, Miller, Miles, Mitchell, Mock, Monroe, Montgomery, Palmer, Pierce of Vigo, Ratliff, Ruddell, Shoaff, Shoemaker, Sleeth, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Tebbs, Underwood, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, and Mr. Speaker—61.

So the motion to lay on the table did not prevail.

The question being on the amendment offered by Mr. Coffroth, Messrs. Wilson and Coffroth demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barritt, Britton, Breckinridge, Calvert, Carnahan, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Floyd, Dittemore, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Higbee, Hyatt, Johnson of Parke, Johnson of Marshall, Jump, Logan, Long, McBride, McDonald, Millekan, Miller, Miles, Miner, Mitchell, Mock, Monroe, Montgomery, Neff, Palmer, Pierce of Vigo, Ratliff, Ruddell, Shoaff, Sleeth, Smith, Stanton, Stewart of Rush, Sunman, Tebbs, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Baker, Bates, Beeler, Cave, Davis of Elkhart, Dunn, Gordon, Greene, Higgins, Johnson of Montgomery, Lamborn, Mason, Pierce of Porter, Vater, Wile, and Wilson—16.

So the amendment was agreed to.

Mr. Ratliff offered the following amendment:

“SEC. —. That Samuel Beatty be allowed forty-nine dollars (\$49.00) for attorney's fees in the case of contest of Beatty vs. Peelle.”

The question being on the adoption of the amendment,

Messrs. Wilson and Wile demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Coffroth, Cotton, Cox, Davis of Floyd, Fairchild, Field of Lake, Field of Lagrange, Fuller, Gilham, Hall, Higbee, Johnson of Parke, Johnson of Marshall, Jump, Lamborn, Long, Millekan, Miller, Mitchell, Mock, Osborn, Overmyer, Pierce of Vigo, Ratliff, Ruddell, Skidmore, Smith, Stanton, Stewart of Rush, Taber, Underwood, Williams of Knox, Williams of St. Joseph, Williams of Union and Mr. Speaker—35.

Those who voted in the negative were,

Messrs. Baker, Bates, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Chittenden, Davidson, Davis of Elkhart, Dittmore, Dunn, Furnas, Gordon, Greene, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Logan, Mason, McDonald, Miner, Monroe, Montgomery, Palmer, Pierce of Porter, Shoaff, Sleeth, Sunman, Vater, Wile, Williams of Hamilton and Wilson—37.

So the amendment was not agreed to.

Mr. Johnson of Marshall moved that the House do now adjourn.

Which was not agreed to.

Mr. Long offered the following amendment :

SEC. — That John Baker, of the county of Brown, State of Indiana, who was a corporal in company C, 13th Regiment Indiana Volunteers, be allowed four hundred dollars for local bounty paid into the State Treasury by the City of Indianapolis for his benefit, which has not been paid to him.

Which was agreed to.

Mr. Vater offered the following amendment :

SEC. — To the *Daily Evening Commercial* Company, for papers furnished this House for five days before it was decided not to take it, the sum of twenty-five dollars is hereby appropriated.

Mr. Higgins moved to lay the amendment on the table.

Which was agreed to.

Mr. Dunn moved to reconsider the vote by which the House appropriated fifteen dollars for stationery for each of the members.

Message from the Governor by Mr. Commons, his Private Secretary:

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, May 11, 1869. }

MR. SPEAKER:

I am directed by the Governor to respectfully inform the House that he has approved and signed the following enrolled acts of the House, viz:

Enrolled act No. 7, entitled "An act to authorize foreign guardians to take possession of, sue for, or receipt for personal property assets of their wards in this State."

Enrolled act No. 388, entitled "An act to authorize the President of the State Board of Agriculture to fill vacancies in the offices of Secretary, Treasurer and Superintendent of the State Board of Agriculture, and declaring an emergency."

Enrolled act No. 132, entitled "An act to enable cities to aid in the construction of railroads, hydraulic companies and water power, and declaring an emergency."

Enrolled act No. 322, entitled "An act to enable railroad companies which have formed articles of association naming the places from and to which the proposed roads are to be constructed, to perfect their lines by connections, to preserve their franchises, and to define the extent, character and privileges of the same."

Enrolled act No. 62, entitled "An act to amend section 147 of an act entitled 'An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent

therewith, and providing penalties therein prescribed;'" approved March 6, 1865.

Enrolled act No. 64, entitled "An act defining what counties shall constitute the Twelfth Common Pleas District, and fixing the time of holding courts therein."

Enrolled act No. 341, entitled, "An act creating the Twenty-eighth Judicial Circuit, fixing the times of holding the courts therein, declaring a vacancy in the office of judge and prosecuting attorney therein, providing for the election of a judge and prosecuting attorney for the same, providing for a transfer of actions and return of process thereto, fixing the time of holding the courts in the county of Decatur in the Fourth Judicial Circuit, and declaring an emergency."

Enrolled act No. 205, entitled "An act to fix the time and length for holding the circuit court in the county of Marshall."

Enrolled act No. 225, entitled "An act to provide for holding the court of common pleas in the counties of Laporte and Marshall, and to repeal the law now in force in relation thereto."

And that the same have been deposited in the office of the Secretary of State.

JNO. M. COMMONS, *Private Secretary.*

Mr. Dittmore moved that the House do now adjourn.

Mr. Dunn and nine other members demanded the ayes and noes

Those who voted in the affirmative were,

Messrs. Admire, Baker, Barritt, Bates, Beatty, Beeler, Calvert, Coffroth, Cotton, Davis of Floyd, Dittmore, Fairchild, Field of Lake, Fuller, Furnas, Hall, Higbee, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Logan, Mason, McDonald, McGregor, Miles, Mitchell, Mock, Montgomery, Odell, Overmyer, Palmer, Pierce of Vigo, Sabin, Shoemaker, Sunman, Taber, Underwood, Wile, Williams of St. Joseph and Mr. Speaker—42.

Those who voted in the negative were,

Messrs. Britton, Breckinridge, Carnahan, Cave, Cox, Davidson, Davis of Elkhart, Dunn, Field of Lagrange, Gilham, Gordon, Higgins, Hutson, Johnson of Parke, Millekan, Miller, Monroe, Pierce of Porter, Ratliff, Ruddell, Skidmore, Sleeth, Smith, Stanton, Tebbs, Vater, Williams of Hamilton, Williams of Knox, and Williams of Union—29.

So the motion to adjourn prevailed.

Whereupon the Speaker declared the House adjourned.

WEDNESDAY MORNING, 9 o'CLOCK, }
 May 12, 1869. }

The House met.

Mr. Vater moved to dispense with the reading of the Journal.

Which was agreed to.

Mr. Davis of Floyd, moved that the House take up Senate Message containing House bill No. 119.

Mr. Cotton moved to lay the motion on the table.

Messrs. Cotton and Greene, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Breckinridge, Chittenden, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Fairchild, Field of Lagrange, Furnas, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Marshall, Jump, Lamborn, Long, Mason, Millekan, Miller, Miner, Osborn, Ratliff, Sabin, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Rush, Taber, Underwood, Vater, Wildman, and Williams of Union—42.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Davis of Floyd, Dittemore, Dunn, Field of Lake, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Parke, Kercheval, Lawler, Logan, McBride, McDonald, McGregor, Miles, Mitchell, Mock, Monroe, Montgomery, Neff, Overmyer, Pierce of Porter, Pierce of Vigo, Ruddell, Shoaff, Shoe-

maker, Stewart of Ohio, Sunman, Tebbs, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Wilson, Zenor, and Mr. Speaker—47.

So the motion to lay on the table did not prevail.

The question recurring on the motion of Mr. Davis of Floyd.

Mr. Davis moved the previous question.

Which was not seconded by the House.

Mr. Dunn moved to make House bill No. 119, the special order for Friday next at three o'clock, P. M.

Mr. Overmyer moved to amend, by saying to-day at three o'clock P. M.

Mr. Ruddell moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the amendment offered by Mr. Overmyer.

Messrs. Johnson of Marshall, and Millekan demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bates, Britton, Calvert, Carnahan, Cave, Chapman, Coffroth, Cory, Cunningham, Davis of Floyd, Dittemore, Fuller, Hamilton, Hutchings, Hyatt, Johnson of Montgomery, Johnson of Parke, Kercheval, Lawler, Logan, Long, McBride, McDonald, McGregor, Miles, Miner, Mitchell, Mock, Monroe, Montgomery, Neff, Overmyer, Pierce of Vigo, Shoaff, Shoemaker, Sleeth, Stewart of Ohio, Sunman, Tebbs, Wile, Williams of Knox, Williams of St. Joseph, Wilson, Zenor and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Baker, Barnett, Beatty, Beeler, Breckinridge, Chittenden, Cotton, Cox, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gordon, Greene, Hall, Higbee, Higgins, Hutson, Johnson of Marshall, Jump, Lamborn, Mason, Millekan, Miller, Pierce of Porter, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stanton, Stepehenson, Stewart of Rush, Taber, Underwood, Vater, Williams of Hamilton, and Williams of Union—42.

So the amendment was agreed to.

The question recurring on the motion of Mr. Dunn as amended.

It was agreed to.

So House bill No. 119, was made the special order for to-day at three o'clock.

Message from the Senate, by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed engrossed House bill No. 119, entitled "A bill making an appropriation of \$413,599 48, to pay the claims of sufferers by the Morgan Raid, with the following engrossed Senate amendments thereto, to-wit:

First. Amend section one, by adding the following:

Provided further, That said claim shall be paid in the following manner, to-wit: One-third of each claim in one year, one-third in two years, and one-third in three years from the time of the taking effect of this act, without interest.

Second. Strike out section containing emergency clause.

Mr. Fuller moved to take up Senate message on House bill No. 53, for the purpose of concurring in Senate amendments.

Which was agreed to.

Message from the Senate, by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate has passed engrossed House bill No. 53, entitled "A bill to regulate the mileage of Sheriffs, in conveying convicts to the State Prisons, and repealing all laws in conflict herewith," with the accompanying engrossed Senate amendments, in which the House is requested to concur, to-wit:

Amend by inserting in line four, the following words:

From Decatur county, one hundred and fifty miles.

Also by striking out of line eighteen of page two, the figures 129 and insert 135.

Also by striking out of line six on page three, the figures 138, and insert 100.

Also, by striking out of line thirteen, page three, the figures 108, and inserting 125.

Also, by striking out of line fourteen, page three, the figures 115, and inserting 91.

Also, by striking out of line seventeen, page four, the figures 112, and inserting 120.

Also, by striking out of line twenty-four, page three, the figures 97, and inserting 105.

The question being on concurring in the amendments reported by the Senate.

They were agreed to.

Mr. Wildman, from the Committee on Elections, submitted the following report:

MR. SPEAKER:

Your Committee on Elections, to whom was referred Senate bill No. 166, entitled "A bill providing for the establishment of election precincts, and the duties of County Boards in relation thereto," have had the same under consideration, and recommend the passage of the bill.

Which report was laid on the table.

Mr. Chittenden, from the Committee on Corporations, made the following report:

MR. SPEAKER:

Your Committee on Corporations, to whom was referred Senate bill No. 323, entitled, "An act to amend Section one of an act entitled "An act to incorporate the University of Notre Dame Du Lac, at South Bend, St. Joseph county, Indiana, January 15, 1844," have had the same under consideration, and recommend the passage of the same.

Which report was laid on the table.

Mr. Sabin, from the Committee on Claims made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of Nicholas Russell, for property and grain destroyed by the soldiers at camps Carrington and Shanks, in 1862, 1863 and 1864, have instructed me to report the same back to the House, and recommend that it be not allowed.

Which report was concurred in.

Mr. Sabin, from the committee on Claims, made the following report:

MR. SPEAKER:

Your Committee on Claims, to whom was referred the claim of Alfred Ryors, assignee of James Morris, Isaac Reed, Geo. W. Denson and James Sanders, for \$1,992, for labor of said assignors, while illegally held as convicts in State Prison South, have had the same under consideration, and have instructed me to report the same back to the House, without recommendation.

The committee, upon examination, find the said prisoners were illegally held in custody by the State, and that while they were so held as prisoners, performed for the State each seven hundred and twenty-two days' labor, at an average price of forty-five cents per day, amounting in the aggregate to \$1,229 60.

Which report was laid on the table.

Mr. Overmyer, from the Committee on Organization of Courts, submitted the following report :

MR. SPEAKER :

Your Committee on Courts, to whom was referred Senate bill No. 347, entitled "A bill creating a Criminal Court in the counties of Laporte and St. Joseph," have had the same under consideration, and now recommend its passage.

Which report was laid on the table.

Mr. Coffroth called up his motion made on a previous day to reconsider the vote by which the House passed House bill No. 230.

Whereupon, Mr. Coffroth moved to lay the motion to reconsider on the table.

On motion by Mr. Johnson, of Parke, a call of the House was ordered.

Those who answered to their names were,

Messrs. Addison, Admire, Baker, Barnett, Barritt, Bates, Beatty, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gordon, Greene, Hall, Hamilton, Higbee, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Mock, Monroe, Montgomery, Neff, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor, and Mr. Speaker—83.

On motion, the further call was dispensed with.

The question being on the motion by Mr. Coffroth to lay on the table the motion to reconsider the vote on the passage of Senate bill No. 230,

H. J. Ex. S.—36.

Messrs. Johnson, of Parke, and Coffroth demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bates, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Fuller, Hyatt, Johnson of Montgomery, Johnson of Parke, Lawler, Logan, Long, McBride, McDonald, Miles, Miner, Mitchell, Mock, Montgomery, Neff, Odell, Pierce of Vigo, Shoaff, Sleeth, Stephenson, Sunman, Tebbs, Vater, Wile, Williams of Knox, and Zenor—38.

Those who voted in the negative were,

Messrs. Baker, Barnett, Beatty, Beeler, Breckinridge, Chapman, Chittenden, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lake, Field of Larange, Furnas, Gordon, Greene, Hall, Higbee, Hutson, Johnson of Marshall, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Osborn, Overmyer, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, and Mr. Speaker—45.

So the motion to lay on the table did not prevail.

The question recurring on the motion to reconsider, by Mr. Coffroth,

Messrs. Johnson, of Parke, and Coffroth demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Breckinridge, Chapman, Chittenden, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gordon, Greene, Hall, Hamilton, Higbee, Hutson, Johnson of Marshall, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Osborn, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Addison, Admire, Bates, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Fuller, Hyatt, Johnson of Montgomery, Johnson of Parke, Lawler, Logan, Long, McBride, McDonald, McGregor, Miles, Miner, Mitchell, Mock, Montgomery, Neff, Odell, Pierce of Vigo, Shoaff, Sleeth, Sunman, Tebbs, Vater, Wile, Williams of Knox, and Zenor—38.

So the motion to reconsider prevailed.

The question being on the passage of Senate bill No. 230.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of Senate bills Nos. 316 and 317, and House bill No. 378, the same were taken up.

Engrossed Senate bill No. 316, "A bill relative to residence of parties plaintiffs, and regulating the service of summons on defendants in divorce cases, and repealing all laws in conflict therewith."

Was read a second time.

Mr. Pierce, of Porter, offered the following amendment:

Strike out all after the enacting clause, and insert the following:

SEC. 1. That whenever an action for divorce shall be brought against a party, resident of the State, the defendant in said action shall be served by having the summons read to him, and not by copy. *Provided*, That if the plaintiff in said action, and two or more respectable householders, whom the Clerk of the Court where said action shall be brought shall certify to be persons entirely credible and entitled to belief, shall make affidavit that they are acquainted with the defendant, and that they believe he (or she) is endeavoring to elude or evade service, or that his or her whereabouts in the State are unknown, the said summons may be served by copy, as now provided by law; but on the trial of said cause, the plaintiff shall prove, to the satisfaction of the Court, that reasonable diligence has been exercised to ascertain the whereabouts of said defendant.

SEC. 2. When a divorce has been or may hereafter be decreed, in any court of this State, without personal service (by reading) on the defendant, and said defendant was, or is at the time of such decree, a resident of the State, such judgment may be opened up in all matters pertaining to property or alimony, the same as is now provided by law, in cases where the defendant is a non-resident, and the service has been by publication.

Provided, That no appeal shall be allowed.

SEC. 3. The term resident shall be held to mean only such persons as may have entered the State with the intention of permanently taking up their abode here, and to the end that the provisions of the law shall not be violated in their true intent and meaning, it shall be the duty of the Court, in the absence of counsel for the defendant, to examine the plaintiff, and such other witnesses as he may deem proper, touching the character of such plaintiff's residence, and wherever it shall appear that said plaintiff entered the State for the sole purpose of obtaining a divorce, and intending immediately thereafter to leave the State, the Court shall dismiss the case without further hearing.

SEC. —. All laws and parts of laws in conflict with this act, are hereby repealed.

SEC. —. Whereas, an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

Message from the Senate, by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that, in compliance with the request of the House for a copy of engrossed Senate bill No. 146, the Senate has directed the same to be made, and a copy of said bill is herewith presented to the House.

Mr. Neff moved to indefinitely postpone the several bills and pending amendments on the subject now before the House.

Mr. Osborn moved to lay the motion to reconsider on the table.

Which was agreed to.

Mr. Osborn moved to lay the amendment offered by Mr. Pierce, of Porter, on the table.

Which was agreed to.

Mr. Odell moved to amend, by adding the following :

Provided, That pending suits are saved from the effects of this act.

Mr. Pierce, of Porter, moved to lay the amendment on the table.

Messrs. Pierce, of Porter, and Odell demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beatty, Beeler, Britton, Calvert, Carnahan, Chapman, Chittenden, Cotton, Davis of Elkhart, Fairchild, Field of Lake, Field of Lagrange, Furnas, Greene, Hall, Hamilton, Higgins, Higbee, Hutson, Johnson of Montgomery, Jump, Logan, Long, Mason, McBride, McGregor, Miller, Miner, Mitchell, Osborn, Pierce of Porter, Ratliff, Sabin, Skidmore, Smith, Stephenson, Stewart of Rush, Sunman, Underwood, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Addison, Admire, Baker, Bates, Breckinridge, Cox, Davidson, Davis of Floyd, Dittemore, Dunn, Fuller, Gordon, Hutchings, Hyatt, Johnson of Parke, Miles, Montgomery, Neff, Odell, Overmyer, Pierce of Vigo, Ruddell, Shoaff, Sleeth, Stanton, Stewart of Ohio, Tebbs, Vater, Wile, Williams of Knox, and Zenor—31.

So the motion to lay on the table prevailed.

Mr. Odell moved to amend, by striking out the emergency clause.

Mr. Stephenson moved to lay the amendment offered by Mr. Odell on the table.

Which was agreed to.

Mr. Chittenden moved to suspend the constitutional rule requiring bills to be read on three several days, in order to read said bill a third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Bates, Beatty, Beeler, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Cotton, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Johnson of Montgomery, Johnson of Marshall, Jump, Lamborn, Logan, Mason, McBride, Millekan, Miller, Mitchell, Overmyer, Pierce of Porter, Ratliff, Sabin, Skidmore, Smith, Stanton, Stephenson, Stewart of Rush, Sunman, Taber, Underwood, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor, and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Admire, Cox, Dittmore, Fuller, Hyatt, Johnson of Parke, McGregor, Miles, Miner, Mock, Montgomery, Neff, Odell, Osborn, Pierce of Vigo, Ruddell, Shoaff, Sleeth, Stewart of Ohio, Tebbs—20.

So it was not deemed expedient to suspend the constitutional rule.

Mr. Dittmore moved that the House do now adjourn.

Which was not agreed to.

House bill No. 378. "A bill to amend sections 6, 7 and 10 of an act entitled 'An act regulating the granting of divorces, nullifying marriage decrees and orders of court incident thereto,' approved May 13, 1852, and repealing all laws and parts of laws in conflict with the same."

Which, on motion by Mr. Stanton, was laid on the table.

Engrossed Senate bill No. 317. "A bill providing against fraud

and corruption in procuring divorces in the courts of this State, declaring the same a felony, and providing a punishment therefor."

Which, on motion, was indefinitely postponed.

Mr. Osborn moved to take up House bill No. 330.

Which was not agreed to.

Mr. Stanton moved to take up Senate bill No. 146.

Which was agreed to.

Engrossed Senate bill No. 146. "A bill to authorize turnpike companies to construct branch roads."

Was read third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Baker, Bates, Beeler, Breckinridge, Calvert, Chittenden, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Dittmore, Dunn, Fairchild, Field of Lake, Fuller, Furnas, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Parke, Johnson of Marshall, Lamborn, Logan, Long, Mason, Millekan, Miller, Mitchell, Mock, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Tebbs, Underwood, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Admire, Carnahan, Cave, Davis of Floyd, Field of LAGRANGE, Hutchings, Johnson of Montgomery, Jump, Miles, Miner, Montgomery, Neff, Odell, Sleeth, Sunman and Zenor—16.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Stephenson moved that the House take up and concur in Senate amendments to House bill No. 334.

Which was agreed to.

Ordered, That the Clerk inform the Senate of the same.

Mr. Lamborn moved that the House do now adjourn.

Which was agreed to.

WEDNESDAY, 2 O'CLOCK, P. M.

The House met.

Mr. McBride, from the Special Committee, made the following report:

MR. SPEAKER:

Your Special Committee, to whom was referred Senate bill No. 75, entitled "An act to protect the citizens of Indiana from empiricism, and to elevate the standing of the medical profession," have had the same under consideration, and have instructed me to report the same back and recommend that the bill be passed.

Which report was laid on the table.

Mr. Ratliff, by consent, offered the following resolution:

Resolved, That Wm. M. Merwin, Principal Clerk, be allowed mileage for 100 miles, and John O. Hardesty, Assistant Clerk, be allowed mileage for 80 miles, traveled in coming to and returning from Indianapolis for the organization of the Special Session of

the General Assembly, and the Speaker is hereby authorized to issue his warrants for the same.

Which was agreed to.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed engrossed House bill No. 113, entitled "A bill to render taxation for common school purposes uniform, and to provide for the education of the colored children of the State," and the same is herewith returned to the House.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of House bill No. 119, the same was taken up.

Mr. Gordon moved to postpone its further consideration until Friday next at 10 o'clock.

Mr. Coffroth moved to amend by making the time for said consideration Thursday next, at 10 o'clock.

Mr. Gordon moved to lay the motion on the table.

Messrs. Dunn and Gordon demanded the ayes and noes.

Those who voted in the affirmative were

Messrs. Beatty, Beeler, Bowen, Breckinridge, Chapman, Chittenden, Cox, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Hutson, Johnson of Marshall, Jump, Lamborn, Mason, Millekan, Ratliff, Ruddell, Skidmore, Smith, Stanton, Stephenson, Stewart of Rush, Taber, Underwood, Vater, Wildman, Williams of Hamilton and Williams of Union—43.

Those who voted in the negative were,

Messrs. Addison, Admire, Barritt, Bates, Britton, Calvert, Carahan, Cave, Coffroth, Cory, Davis of Floyd, Dittmore, Hutchings,

Hyatt, Johnson of Parke, Kercheval, Lawler, Logan, McBride, McGregor, Miller, Miles, Miner, Mitchell, Mock, Neff, Odell, Overmyer, Pierce of Porter, Pierce of Vigo, Shoemaker, Sleeth, Stewart of Ohio, Sunman, Tebbs, Wile, Williams of Knox, Wilson, Zenor and Mr. Speaker—43.

So the motion to lay on the table did not prevail.

The question being on the motion by Mr. Coffroth, to amend,

Mr. Dunn moved to amend the amendment by making House bill No. 119 the special order for ten minutes past 3 o'clock on Friday next.

Mr. Davis of Floyd moved to lay the amendment offered by Mr. Dunn on the table.

Mr. Davis of Floyd moved a call of the House.

Those who answered to their names were,

Messrs. Addison, Admire, Baker, Barritt, Bates, Beatty, Beeler, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Mock, Monroe, Montgomery, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor and Mr. Speaker—90.

Mr. Lamborn moved that the doors of the Hall be closed, and that the Doorkeeper bring in the absentees.

Which was agreed to.

Mr. Chittenden moved that further proceedings under the call be dispensed with.

Messrs. Coffroth and Millekan, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barritt, Bates, Beatty, Beeler, Breckinridge, Carnahan, Cave, Cory, Cotton, Cox, Davidson, Dunn, Fairchild, Field of Lagrange, Fuller, Furnas, Gilham, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Long, Mason, McBride, McGregor, Millekan, Mitchell, Mock, Montgomery, Overmyer, Ruddell, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stewart of Ohio, Sunman, Taber, Underwood, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, Wilson and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Addison, Admire, Baker, Bowen, Britton, Calvert, Chapman, Chittenden, Coffroth, Davis of Elkhart, Davis of Floyd, Dittemore, Field of Lake, Gordon, Hutchings, Hyatt, Lawler, Lamborn, Logan, McDonald, Miller, Miles, Miner, Neff, Odell, Osborn, Pierce of Porter, Pierce of Vigo, Ratliff, Stephenson, Stewart of Rush, Tebbs, Wile, Williams of Knox, and Zenor—35.

So the motion prevailed.

The question recurring on the motion of Mr. Davis of Floyd, to lay the motion to amend the amendment on the table.

Messrs. Bates, and Davis of Floyd, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bates, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cox, Davis of Floyd, Dittemore, Fuller, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McGregor, Miles, Miner, Mitchell,

Mock, Montgomery, Neff, Odell, Overmyer, Pierce of Vigo, Shoaff, Shoemaker, Sleeth, Stewart of Ohio, Sunman, Tebbs, Wile, Williams of Knox, Wilson, Zenor and Mr. Speaker.—43.

Those who voted in the negative were,

Messrs. Baker, Beatty, Beeler, Bowen, Breckinridge, Chittenden, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Osborn, Pierce of Porter, Ratliff, Ruddell, Skidmore, Smith, Stanton, Stephenson, Stewart of Rush, Taber, Underwood, Vater Wildman, Williams of Hamilton, Williams of St. Joseph and Williams of Union—46.

So the motion to lay on the table did not prevail.

The question recurring on the amendment offered by Mr. Dunn.

Mr. Underwood moved the previous question.

Which was not seconded by the House.

Mr. Coffroth moved that the further consideration of House bill No. 119, be postponed, and that said bill be made the special order for ten o'clock to-morrow.

Which was agreed to.

Mr. Osborn moved to suspend the order of business and take up Senate bill No. 330.

Mr. Johnson of Parke, moved to amend by taking up Senate bills on third reading.

Which was not agreed to.

The question being on the motion of Mr. Osborn, to suspend the order of business.

It was agreed to.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed Senate bill No. 330, entitled a bill to amend the first section of an act entitled "An act to empower Railroads to build branches to neighboring coal mines," approved December 19, 1865.

In which the House is respectfully requested to concur.

Senate bill No. 330, "An act to amend the first section of an act entitled an act to empower railroads to build branches to neighboring coal mines;" approved December 19, 1865.

Was read a first time.

Mr. Osborn moved to suspend the constitutional rule requiring bills to be read on three several days, and that Senate bills Nos. 330 and 284 be read a second and third times now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Baker, Barritt, Bates, Beeler, Breckinridge, Calvert, Chapman, Chittenden, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lorange, Fuller, Furnas, Gilham, Gordon, Greene, Hamilton, Higbee, Higgins, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Lamborn, Logan, Long, Mason, McBride, McDonald, McGregor, Miller, Miles, Mitchell, Mock, Montgomery, Neff, Odell, Osborn, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Vater, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, and Mr. Speaker—71.

Those who voted in the negative were,

Messrs. Addison, Admire, Beatty, Britton, Carnahan, Cave, Miner, Overmyer, and Wile—9.

So it was deemed expedient to suspend the constitutional rule, and the bill be read a second and third times now.

Senate bill No. 330.

Was read a second time by title and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barritt, Bates, Beatty, Beeler, Calvert, Carnahan, Cave, Chittenden, Coffroth, Cory, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Jump, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Mock, Montgomery, Neff, Odell, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Wilson, Zenor, and Mr. Speaker—79.

Mr. Britton voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

The Speaker announced that he had signed Enrolled Act No. 90 of the House.

Engrossed Senate bill No. 284.

Was read a second time by title.

Engrossed Senate bill No. 284, "An act to provide for the erec-

tion and repair of any bridge across a stream forming the boundary line between two counties, and to repeal all laws inconsistent therewith."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Bates, Beeler, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave, Chittenden, Coffroth, Cory, Cotton, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Lamborn, Logan, Long, Mason, McBride, McDonald, McGregor, Millekan, Miller, Miner, Mitchell, Mock, Odell, Osborn, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Skidmore, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Tebbs, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox, Williams of Union, Wilson, and Mr. Speaker—72.

Those who voted in the negative were,

Messrs. Gordon, Miles, Montgomery, Neff, Sleeth, Smith, Sunman, Taber, and Zenor—9.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate of the passage of the same.

Message from the Senate by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House that he has signed Enrolled act No. 90 of the House, and the same is herewith returned to the House.

Mr. Cory moved to suspend the order of business, and take up House bill No. 397.

Which was not agreed to.

Mr. Stanton moved to take up House bill No. 396, "A bill making specific appropriations for the years 1869 and 1870."

Messrs. Coffroth and Stanton demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Baker, Beeler, Bowen, Breckinridge, Carnahan, Chapman, Chittenden, Cory, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Greene, Hamilton, Higbee, Hutson, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Logan, Long, Mason, Miller, Mitchell, Mock, Montgomery, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Rudell, Sabin, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Vater, Wildman, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Wilson, Zenor and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Admire, Britton, Calvert, Cave, Coffroth, Cory, Davis of Floyd, Dittemore, Gordon, Higgins, Hutchings, Hyatt, Lawler, McDonald, McGregor, Miner, Odell, Tebbs and Wile—19.

So the motion by Mr. Stanton prevailed.

House bill No. 396, having previously been read a second time,

The question pending on the motion by Mr. Dunn to reconsider the vote on the amendment giving fifteen dollars' worth of stationery to each member of the House,

Mr. Dunn moved the previous question, which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

Those who voted in the affirmative were,

Messrs. Addison, Bates, Beeler, Breckinridge, Calvert, Carnahan, Chittenden, Cotton, Cox, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutchings, Hutson, Hyatt, Johnson of Parke, Jump, Logan, Miller, Miles, Mitchell, Neff, Osborn, Pierce of Porter, Ruddell, Shoaff, Skidmore, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Underwood, Vater, Wile, Wildman, Williams of Hamilton, Williams of Knox and Williams of Union—50.

These who voted in the negative were,

Messrs. Admire, Baker, Barritt, Beatty, Bowen, Britton, Cave, Chapman, Cory, Dittemore, Field of Lake, Fuller, Higbee, Lawler, Lamborn, Long, Mason, McBride, McDonald, McGregor, Miner, Mock, Montgomery, Overmyer, Pierce of Vigo, Sleeth, Stephenson, Tebbs, Wilson, Zenor and Mr. Speaker—31.

So the motion by Mr. Dunn prevailed.

Mr. Fuller moved that the House do now adjourn.

Which was not agreed to.

The question being on the amendment offered by Mr. McDonald,

Messrs. Vater and Osborn demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barrit, Chapman, Johnson of Parke, Lamborn, Long and Stephenson—6.

Those who voted in the negative were,

Messrs. Addison, Admire, Baker, Bates, Beatty, Beeler, Bowen, Britton, Calvert, Carnahan, Chittenden, Coffroth, Cory, Cotton, Cox, Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Marshall, Jump, Kercheval, Lawler, Logan, Mason, McDonald, McGregor, Miller, Miles, Miner, Mitchell, Mock, H. J. Ex. S.—37.

Montgomery, Neff, Osborn, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Shoaff, Skidmore, Sleeth, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Vater, Wildman, Wile, Williams of Hamilton, Williams of Knox, Williams of Union, Wilson, Zenor and Mr. Speaker—74.

So the amendment was not agreed to.

Mr. McDonald moved to reconsider the vote by which the House allowed the claim of Mr. Beatie.

Mr. Ruddell moved to lay the motion on the table.

Messrs. Coffroth and McDonald demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Admire, Barritt, Breckinridge, Cave, Chittenden, Coffroth, Cotton, Cox, Davis, Fairchild, Field of Lake, Field of LAGRANGE, Fuller, Furnas, Gilham, Gordon, Hamilton, Higbee, Higgins, Hutchings, Hutson, Hyatt, Johnson of Marshall, Jump, Lamborn, Long, Mason, McBride, Miller, Miles, Miner, Osborn, Overmyer, Pierce of Porter, Ratliff, Sabin, Shoaff, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Vater, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Baker, Bates, Bowen, Britton, Calvert, Carnahan, Cory, Davidson, Dittmore, Dunn, Greene, Lawler, Logan, McDonald, McGregor, Millekan, Mock, Montgomery, Pierce of Vigo, Sunman and Wilson—22.

So the motion to lay on the table prevailed.

Mr. McDonald moved to reconsider the vote by which the House allowed Mr. Peale a claim.

Mr. Ruddell moved to lay the motion on the table.

Which was agreed to.

Mr. Coffroth moved that the House do now adjourn.

Which was not agreed to.

Mr. Cory moved to strike out all which appropriates money to pay troops employed to repel the invasion of Kirby Smith.

Mr. Vater moved to lay the motion on the table.

Messrs. Coffroth and Davis, of Floyd, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beatty, Bowen, Breckinridge, Chapman, Chittenden, Davidson, Davis of Elkhart, Field of Lagrange, Johnson of Parke, Long, Miller, Ruddell, Sabin, Stanton, Vater, Wildman, and Williams of Hamilton—17.

Those who voted in the negative were,

Messrs. Addison, Admire, Baker, Bates, Beeler, Britton, Calvert, Coffroth, Cory, Cotton, Cox, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lake, Furnas, Gilham, Gordon, Greene, Higbee, Hutson, Hyatt, Johnson of Montgomery, Johnson of Marshall, Jump, Lawler, Logan, McBride, Millekan, Miles, Miner, Mitchell, Mock, Montgomery, Odell, Overmyer, Pierce of Vigo, Shoaff, Smith, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Wile, Williams of Knox, Williams of St. Joseph, Zenor, and Mr. Speaker—51.

So the motion to lay on the table prevailed.

Mr. Dittemore moved that the House do now adjourn.

Messrs. Davis of Floyd, Dittemore and nine others, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Bowen, Britton, Calvert, Coffroth, Cory, Cotton, Cox, Davis of Floyd, Dittemore, Fuller, Hutchings, Johnson of Montgomery, Lawler, Miner, Mock, Montgomery, Neff, Sleeth, Sunman, Tebbs, Wile and Zenor—24.

Those who voted in the negative were,

Messrs. Baker, Bates, Beatty, Beeler, Breckinridge, Carnahan, Chittenden, Davidson, Dunn, Fairchild, Field of Lake, Field of

Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Logan, Long, Mason, Millekan, Miller, Miles, Mitchell, Odell, Overmyer, Pierce of Porter, Pierce of Vigo, Ruddell, Sabin, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Taber, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, and Mr. Speaker—50.

So the motion to adjourn did not prevail.

Mr. Johnson, of Parke, moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the amendment offered by Mr. Cory,

Messrs. Coffroth and McDonald demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Baker, Barritt, Bates, Beatty, Beeler, Bowen, Britton, Calvert, Carnahan, Coffroth, Cory, Cotton, Cox, Davis of Floyd, Dittmore, Dunn, Fairchild, Field of Lake, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Higbee, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Kercheval, Lawler, Logan, McBride, Miller, Miles, Miner, Mitchell, Mock, Montgomery, Neff, Odell, Shoaff, Sleeth, Stewart of Ohio, Sunman, Vater, Wile, Williams of Hamilton, Williams of Knox, Williams of St. Joseph, Williams of Union, Zenor, and Mr. Speaker—56.

Those who voted in the negative were,

Messrs. Breckinridge, Chapman, Chittenden, Davidson, Davis of Elkhart, Field of Lagrange, Hamilton, Higgins, Hutchings, Jump, Mason, Overmyer, Pierce of Porter, Ratliff, Ruddell, Sabin, Smith, Stephenson, Stewart of Rush, Taber and Wildman—23.

So the amendment was agreed to.

Messenger from the Senate, by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate has passed the following bills, to-wit:

Engrossed House bill No. 294, entitled "A bill for the relief of the heirs of Patrick Donovan, deceased."

Also, engrossed House bill No. 95, entitled "A bill for the relief of John Ingle and John Ingle, Jr,"

And the same are herewith returned to the House.

Mr. Stanton moved that the bill be considered as engrossed, and read a third time now.

Mr. Stanton moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the engrossment of the bill.

It was so ordered.

Mr. Mitchell, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:

The Committee on Enrolled Bills have carefully compared enrolled House bills Nos. 53 and 334, with the engrossed bills, and find them, in all respects, correctly enrolled.

The Speaker announced that he had signed House bills Nos. 113, 53 and 334.

House bill No. 396, entitled "A bill making specific appropriations for the years 1869 and 1870,"

Was read a third time.

Mr. Dittmore moved to recommit to the Committee on Ways and Means, with instructions to strike out all that relates to the claim of Daniel Keeley.

Mr. Coffroth moved that the House do now adjourn.

Mr. Coffroth and ten other members demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bates, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cox, Davis of Floyd, Dittemore, Fuller, Furnas, Hutchings, Hyatt, Johnson of Montgomery, Lawler, Logan, Long, McBride, McDonald, McGregor, Miles, Miner, Mitchell, Mock, Montgomery, Neff, Odell, Overmyer, Shoaff, Sunman, Tebbs, Wile, Williams of Knox, Wilson and Zenor—40.

Those who voted in the negative were,

Messrs. Baker, Beatty, Beeler, Bowen, Breckinridge, Chapman, Chittenden, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Gilham, Gordon, Greene, Hall, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Kercheval, Lamborn, Mason, Millekan, Miller, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Vater, Wildman, Williams of Hamilton, Williams of St. Joseph, Williams of Union, and Mr. Speaker—44.

So the motion to adjourn did not prevail.

Message from the Senate, by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate has passed the following bills, to-wit:

Engrossed House bill No. 160, entitled, "A bill to legalize the official acts of the several Boards of Trustees of the town of Noblesville, Hamilton county, Indiana, and all other officers of said corporation, under an act for the incorporation of towns, defining their powers, and providing for the election of the officers."

Also, That the President has signed enrolled acts Nos. 53, 113 and 334, House of Representatives, and the same are herewith returned to the House.

Mr. Mitchell, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:

The Committee on Enrolled Bills have carefully compared enrolled House bill No. 113 with the engrossed bill, and find it correctly enrolled.

Mr. Coffroth raised the point of order—that after a member yields the floor for any purpose, he forfeits all right to the same in the future.

Whereupon the Speaker ruled the point of order not well taken

Whereupon, Mr. Coffroth appealed from the decision of the Chair.

Pending which, on motion by Mr. McDonald,

The House adjourned.

THURSDAY MORNING, 9 O'CLOCK, }
 May 13, 1869. }

The House met.

Mr. Stewart, of Rush, moved that the reading of the Journal be dispensed with.

Messrs. Coffroth and Cox demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Chapman, Chittenden, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Vater, Wildman, Williams of Hamilton, Williams of Union, and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Coffroth, Cox, Lawler, Overmyer, and Smith—5.

No quorum voting, Mr. Johnson of Marshall, moved that the House do now adjourn.

Which was not agreed to.

Mr. Vater moved a call of the House.

Which was agreed to.

Those who answered to their names were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Chapman, Chittenden, Coffroth, Cox, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gil-

ham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lam-born, Mason, Millekan, Miller, Mitchell, Overmyer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Vater, Wildman, Williams of Hamilton, Williams of Union, and Mr. Speaker—51.

Mr. Mitchell, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

Your Committee on Engrossed Bills beg leave to report that they have compared House bills Nos. 95 and 294 with the original, and find them in all respects correct.

The Speaker announced that he had signed Enrolled acts Nos. 394 and 95.

Mr. Davidson moved that the absentees be sent for.

Which was agreed to.

Message from the Senate, by Mr. Wilson, Secretary thereof :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following bills of the House, to-wit :

Engrossed House bill No. 52, entitled "A bill authorizing the assessment of lands for plank, macadamized, and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing all laws on that subject;" approved March 11, 1867.

Also, Engrossed House bill No. 321, entitled "A bill to amend an act entitled an act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and to complete unfinished school buildings, and pay debts contracted for the erection of such buildings, and authorizing the levy and collection of an additional special school tax, for the payment of the principal and interest of such bonds."

Message from the Senate by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House that he has signed Enrolled acts Nos. 95 and 294 of the House, and the same are herewith returned to the House.

Mr. Stanton moved that the House do now adjourn.

Mr. Ratliff and nine others demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Bowen, Breckinridge, Chapman, Chittenden, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Greene, Hall, Hamilton, Higbee, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Pierce of Vigo, Ruddell, Skidmore, Smith, Stanton, Stewart of Ohio, Stewart of Rush, Vater, Williams of Hamilton, Williams of Union and Wilson—36.

Those who voted in the negative were,

Messrs. Beeler, Coffroth, Cox, Davidson, Davis of Elkhart, Gordon, Higgins, Mason, Mitchell, Overmyer, Ratliff, Sabin, Stephenson, Taber and Mr. Speaker—15.

So the motion to adjourn prevailed.

Whereupon, the Speaker declared the House adjourned.

THURSDAY, 2 O'CLOCK, P. M.

The House met.

Message from the Senate by Mr. Wilson, Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following bills of the House, to-wit:

Engrossed House bill No. 97, entitled "A bill authorizing certain county auditors to correct their reports to the Superintendent of Public Instruction, relative to the School Fund, common and congressional, as required by an act entitled 'An act requiring county auditors to make examination of the records in their office in relation to school funds, and make report, and providing compensation therefor;'" approved December 21, 1865, and declaring an emergency. Also,

Engrossed House bill No. 158, entitled "A bill to amend section 23 of an act entitled 'An act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana,'" etc., approved June 21, 1862.

And the same are herewith returned to the House.

Mr. Ratliff moved that the House take up House bill No. 311, and on that, moved the previous question.

Mr. Davis moved a call of the House.

Those who answered to their names were,

Messrs. Admire, Baker, Barnett, Barritt, Bates, Beatty, Beeler, Bowen, Britton, Breckinridge, Calvert, Carnahan, Cave, Chapman, Chittenden, Coffroth, Cory, Cotton, Cunningham Davidson, Davis of Elkhart, Davis of Floyd, Dittemore, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Hutchings, Hutson, Hyatt, Johnson of Montgomery, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lawler, Lamborn, Logan, Long, Mason, McBride, McDonald, McGregor, Millekan, Miller, Miles, Miner, Mitchell, Mock, Monroe, Montgomery, Neff, Osborn, Overmyer, Palmer, Pierce of Vigo, Ratliff, Ruddell, Sabin, Shoaff, Shoemaker, Skidmore, Sleeth, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Sunman, Taber, Tebbs, Underwood, Vater, Wile, Wildman, Williams of Hamilton, Williams of Union, Wilson, Zenor, Zollars and Mr. Speaker—90.

Mr. Chitienden moved that the further proceedings under the call be dispensed with.

Mr. Coffroth moved to lay the motion on the table.

Mr. Coffroth and Davis demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Addison, Admire, Barritt, Bates, Britton, Calvert, Carnahan, Cave, Coffroth, Cory, Cotton, Cunningham, Davis of Floyd, Hutchings, Johnson of Montgomery—15.

Those who voted in the negative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Chapman, Chittenden, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Fuller, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Sabin, Skidmore, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vater, Wildman, Williams of Hamilton, Williams of Union, Wilson and Mr. Speaker—55.

So the motion to lay on the table did not prevail.

Mr. Osborn offered the following resolution:

Resolved, That Wm. M. Merwin, Principal Clerk, and John O. Hardesty, Assistant Clerk, be each allowed the sum of \$150 for indexing, correcting proof, and preparing abstract for the House Journal of the Regular Session of 1869, and that they each be allowed the same sum for the same service upon the Journal of this Special Session; and that the Speaker is hereby authorized to issue his warrant on the Auditor of State for said sum, the same to be paid out of money heretofore appropriated for legislative purposes.

The question being on the motion to lay Mr. Chittenden's motion on the table, to dispense with further proceedings under the call.

Messrs. Coffroth and Davis demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Chapman, Chittenden, Davidson, Davis of Elkhart, Dunn, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vater, Wildman, Williams of Hamilton, Williams of Union and Wilson—52.

Those who voted in the negative were,

Messrs. Coffroth, Davis of Floyd, and Mr. Speaker—3.

So the motion did not prevail.

Mr. Williams of Union, offered the following resolution :

Resolved, That the State Printer be authorized to bind in full law, and send to each Member of the House of Representatives, and the Officers, Clerk's and Reporters thereof, three copies of the Legislative Brevier Reports.

Also, two copies of the Journal, of the Regular and Special Sessions, of each House.

Also, two copies of the Acts, Documentary Journal and Horticultural Reports.

Which was agreed to.

Mr. Monroe moved that the House do now adjourn.

Which was not agreed to.

Mr. Gordon, offered the following resolution :

Resolved, That Thomas C. McConn, Doorkeeper of this House, be allowed \$36 mileage, for coming to aid in organizing the House at the Special Session of the General Assembly, and that the Speaker issue his warrant for the same.

Which was agreed to.

Mr. Stewart of Rush, offered the following resolution :

Resolved, That the Speaker be directed to draw his warrant for \$25, for each of the Prison Committee, who visited the State Prison by the direction of the House.

Which was agreed to.

Mr. Stewart of Rush, offered the following resolution :

Resolved, That the Journal Clerks be allowed one dollar per day, each, for extra services after adjournment, during the present Session, and the Speaker is directed to issue his warrant for the same.

Which was agreed to.

Mr. Davidson moved that the doors be closed and the absentees sent for.

Which was not agreed to.

Mr. Ratliff moved that the House do now adjourn.

Which was agreed to.

FRIDAY MORNING, 9 o'clock, }
May 14, 1869. }

The House met.

Mr. Coffroth moved to dispense with the reading of the Journal of yesterday.

Which was agreed to.

Mr. Dunn moved a call of the House.

Which was not agreed to.

Mr. Osborn moved that the House do now adjourn.

Which was agreed to.

FRIDAY, 2 o'clock, P. M

The House met.

Mr. Osborn moved to take up Senate message, containing amendments to Specific Appropriation bill.

Which was agreed to.

Message from the Senate, by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate has passed House bill No. 311, entitled "A bill making Specific Appropriations for the year 1869,"

With the following engrossed Senate amendments thereto:

Engrossed Senate amendments to House bill No. 311:

First. Amend section 1, so as to make the name D. H. Witzl, read H. O. Wirtz.

Second. Strike out section five, and insert in lieu thereof the following:

SEC. 5. That the Governor of the State is hereby authorized to secure, as soon as practicable, a true and life-like likeness of each of the Governors of the State and Territory of Indiana, including the present incumbent, to be placed in the State Library, and for that purpose, a sum not less than one hundred dollars each, is hereby appropriated.

Third. Strike out section ten.

Fourth. Amend section fourteen, so as to make Joseph P. Dodge, read Joseph B. Dodge.

^r Fifth. Amend section nineteen, by striking out thirty-two dollars, and inserting, in lieu thereof, twenty-three dollars and four cents.

Sixth. Amend section twenty, by striking out twenty-three dollars and fifty cents, and inserting, in lieu thereof, sixteen dollars and ninety-two cents.

Seventh. Amend section twenty-one, by striking out twenty-four dollars, and inserting, in lieu thereof, seventeen dollars and twenty-eight cents.

Eighth. Amend section twenty-two, by striking out thirty-six dollars and twenty-five cents, and inserting, in lieu thereof, twenty-six dollars and ten cents.

Ninth. Strike out section twenty-three.

Tenth. Amend section thirty, so as to make Welsheimer, read Melsheimer.

SEC. — That James Blake be allowed the sum of two hundred and fifty dollars, for services rendered as Commissioner for the

State of Indiana, of the Board of Managers of the Soldiers' National Cemetery, at Gettysburg.

SEC. —. That L. S. Newell be allowed the sum of fifty dollars, for music furnished the pupils of the Institution for the Blind.

SEC. —. That William Hannaman be allowed the sum of twenty-seven hundred dollars, for services as Military Claim Agent, in the city of Indianapolis, from April 1, 1867, to October 1, 1868.

SEC. —. That the Columbus and Indianapolis Central Railway be allowed the sum of sixteen dollars and thirteen cents, for transportation of men, furnished by order of Governor O. P. Morton.

SEC. —. That R. J. Bright, publisher of the *Indianapolis Daily Sentinel*, be allowed the sum of five hundred and seventy-eight dollars and thirty-four cents.

That the Commercial Company, publishers of the *Daily Evening Commercial*, be allowed the sum of five hundred and thirty-three dollars and fifty-two cents.

That Harding, Morton & Finch, publishers of the *Daily Evening Mirror*, be allowed the sum of five hundred and thirty three dollars and fifty-two cents.

That the *Daily Telegraph* Company be allowed the sum of four hundred and forty dollars and sixty-four cents.

That Julius Bötticher, publisher of the *Weekly Indiana Volksblatt*, be allowed the sum of sixty dollars and forty-eight cents.

That Douglass & Conner, publishers of the *Indianapolis Journal*, be allowed the sum of five hundred and seventy-eight dollars and thirty-four cents.

All for papers, enveloped and stamped, and for papers furnished loose, to the members and elective officers of the Senate, as per contract.

SEC. —. That Julius Bötticher be allowed the sum of three hundred and forty-six dollars and eighty cents, for four thousand nine hundred and forty-four wrapped and stamped copies of the

Weekly Indiana Volksblatt, furnished the officers and members of the House of Representatives, as per contract.

SEC. —. That Douglass and Conner be allowed the sum of one hundred dollars, for blanks and blank books furnished for the use of the Senate.

SEC. —. That W. H. Talbott, surviving partner of the firm of Talbott & Costigan, and Eliza C. Costigan, as trustee of the heirs of Francis Costigan, deceased, be allowed the sum of seven thousand five hundred and one dollars and thirty-four cents, for articles and materials purchased with the private means of Talbott & Costigan, and used by the State in the construction of the State Prison North.

SEC. —. That O. M. Wilson, Secretary of the Senate, and W. A. Bonham, Assistant Secretary of the Senate, be each allowed the sum of one hundred and fifty dollars, for indexing, correcting proof and preparing abstract, for Senate Journal of the regular session, 1869.

SEC. —. That John Lefler be allowed the sum of eighty dollars (\$80.00), amount of principal and interest on sum of money paid by him for forty acres of swamp land, situated in Spencer county, on the 18th day of November, 1859, to the State of Indiana, which land had already been sold and conveyed to one William Duff.

SEC. —. That D. I. Jackson, ex-Clerk of Jasper county, be allowed the sum of sixteen dollars and two cents (\$16.02,) for costs in civil action brought by the State against Alexander Kent, and afterwards dismissed.

SEC. —. That D. I. Jackson be allowed the sum of sixteen dollars and sixty-five cents (\$16.65) for fees in civil action brought by the State against Bela C. Kent, and afterwards dismissed.

SEC. —. That Thomas M. Browne be allowed the sum of twenty-five dollars (\$25.00) for attendance as Assistant Secretary of the Senate at the organization of the regular session of 1869.

SEC. —. That Thomas M. Browne be allowed the sum of twenty-five dollars (\$25.00) for appearing before and attending up-

on the Committee on Public Expenditures, in pursuance of resolutions of the Senate.

SEC. —. That Thomas B. Odell be allowed the sum of seventy-five dollars (\$75.00) for services as Assistant Doorkeeper of the Senate from January 20th to February 5th, 1869.

SEC. —. That Ramsay & Hanning be allowed the sum of thirty dollars and sixty cents (\$30.60) for repairing and furnishing gas fixtures for the State House.

SEC. —. That Elihu Lyon be allowed the sum of thirty-four dollars and eighty cents (\$34.80). That Esther Brickly, Administratrix of the estate of Andrew Brickley, be allowed the sum of thirty-four dollars (\$34.00). That John M. Vanhorn be allowed the sum of thirty-five dollars and eighty cents (\$35.80). That Thomas Dougherty be allowed the sum of thirty-five dollars (\$35.00). That J. M. Faughinburgh be allowed the sum of thirty-five dollars (\$35.00); and that Thomas S. Longfellow be allowed the sum of thirty-six dollars and eighty cents (\$36.80), for attendance as witnesses before the Committee on Arbitrary Arrests, in 1863, and for mileage to and from Indianapolis.

SEC. —. That E. W. Halford be allowed the sum of two hundred and fifty dollars (\$250.00) for services in the Sanitary Department.

SEC. —. That William J. Braden be allowed the sum of one hundred and five dollars and three cents (\$105.03) for stationery furnished Gen. H. B. Carrington, while commanding Indiana Legion.

SEC. —. That O. M. Wilson, Secretary of the Senate, and W. A. Bonham, Assistant Secretary of the Senate, be each allowed the sum of one hundred and fifty dollars (\$150.00) for indexing, correcting proof, and preparing abstract for the Senate Journal of the special session of 1869.

SEC. —. That Martin Igoe be allowed the sum of two hundred and eighty-two dollars and twenty-one cents (\$282.21) to reimburse him for private money paid out by him on account of articles purchased for Hospital while Quartermaster at Camp Morton, paya-

ble on the order of the Adjutant General when a proper voucher is filed in the Adjutant General's office.

SEC. —. That a sum not exceeding one thousand dollars (\$1,000) be allowed for attorney's fees in the case of the State of Indiana *vs.* the Central Canal Company, payable upon the order of the Governor.

SEC. —. That Ray & Bro., Philadelphia, be allowed the sum of one hundred and twenty-seven dollars and fifty cents (\$127.50) for fifty-one copies of "Wilson's Digest of Parliamentary Law," as ordered by the Senate.

SEC. —. That J. A. Coburn be allowed the sum of ten thousand dollars (\$10,000.00), being a commission on amount of claims of the State of Indiana against the United States, settled by said Coburn, such allowance being in conformity with a contract with said Coburn, made by the Adjutant General of this State, authorized by the Governor.

SEC. —. That the sum of one thousand dollars (\$1,000.00) be allowed to John A. Wilstach in full of all salary and expenses connected with his appointment as Commissioner for the encouragement of emmigration.

SEC. —. That two thousand dollars (\$2,000) be allowed for the erection of a boiler-house and for removing the boiler and heating apparatus at the State Prison, North.

SEC. —. There shall be appropriated for the repair of the State Prison, South, five thousand dollars (\$5,000), annually, for the years 1869 and 1870.

SEC. —. That the sum of ten dollars (\$10.00) be allowed Denis Sullivan for hire of hacks used by the Committee on Governor's Mansion.

SEC. —. That the sum of twelve dollars and sixty-one cents (\$12.61) be allowed to the Toledo, Logansport & Burlington Railroad Company, for transportation furnished men, by order of Governor O. P. Morton.

SEC. —. That Dr. H. H. Gillen be allowed the sum of two hundred and forty-three dollars and sixty-six cents (\$243.66) for two months' services as additional assistant surgeon of the Forty-First (2d cavalry) Regiment Indiana Volunteers, from the 28th day of April to the 29th day of June, 1862, inclusive.

SEC. —. That five thousand dollars (\$5,000), or so much thereof as may be necessary, be appropriated for making repairs at the Soldiers' Home.

SEC. —. That the sum of twenty-five dollars (\$25.00) be paid the *Daily Evening Commercial* Company for papers furnished the Senate during the first five days of the extra session.

SEC. —. That a sum not exceeding one thousand dollars (\$1,000), to be certified by the Governor, be allowed to John U. Pettit and James R. Slack in full for services in the case now pending in the United States Circuit Court wherein L. P. Millegan is plaintiff, James S. Frazer, Oliver P. Morton, Benjamin Spooner, *et al.* are defendants.

SEC. —. That the Gutenberg Company be allowed the sum of forty-three dollars and twenty cents (\$43.20) for five hundred copies of the *Daily Telegraph*, wrapped and stamped, furnished the first five days of the session.

SEC. —. There shall be appropriated for the support of the House of Refuge the further sum of ten thousand dollars (\$10,000), per year, for the years ending January 31st, 1870, and January 31st, 1871.

SEC. —. That John W. Davis be allowed the sum of forty-five dollars and fifty cents (\$45.50) for services rendered and expenses incurred in the month of July, 1863, while on duty with Brigadier General H. B. Carrington, and under his orders, in regaining property abandoned and captured by the rebel forces under Gen. John Morgan, during his raid through Indiana.

SEC. —. That William B. Prather be allowed the sum of five hundred dollars (\$500.00) for his services as an Assistant Clerk to the Morgan Raid Commission, by the appointment of said Commission.

SEC. — That the sum of four hundred and fifty-three dollars and sixty cents (\$453.60) be allowed to Douglass & Conner for papers furnished the extra session of 1869.

SEC. — That seven thousand dollars (\$7,000), per year, for the years 1869 and 1870, be appropriated to the Trustees of the State University, to be paid on the order of said Trustees, in addition to the amount allowed by law.

SEC. — That the sum of four hundred and fifty-three dollars and sixty cents (\$453.60) be allowed R. J. Bright for the *Sentinel*, furnished to the Senate and elective officers thereof for the extra session of 1869.

SEC. — That William Sheets be allowed the sum of one hundred dollars (\$100.00) for rent of three rooms, in Indianapolis, occupied by General H. B. Carrington while in command of the Indiana State Legion and Militia, under the order of the Secretary of War, said rooms being occupied for ten months, viz: from July 28th, 1863, to May 28th, 1864.

SEC. — Amend by adding "and 1870."

In which the concurrence of the House is requested.

The question being on concurring in the amendment,

They were agreed to.

Mr. Osborn moved to reconsider the vote just taken, and moved to lay the motion on the table.

Which was agreed to.

Message from the Senate by Mr. Holowell, the Senate Messenger:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Senate joint resolution No. 18, entitled "A joint resolution accepting and ratifying a certain amendment to the Constitution of the United States," in which the concurrence of the House is requested.

Mr. Osborn moved that the House take up the message from the Senate containing Senate joint resolution No. 18, ratifying the constitutional amendment to the Constitution of the United States, and concur in the same, and on that motion moved the previous question.

The Speaker laid before the House a message from the Governor by Mr. Commons, his Private Secretary.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, May 14, 1869. }

MR. SPEAKER:

By direction of the Governor, I have the honor to submit herewith his message announcing the resignation of certain members of the House.

JNO. M. COMMONS, Private Secretary.

EXECUTIVE CHAMBER, }
INDIANAPOLIS, May 14, 1869. }

Hon. George A. Buskirk,
Speaker of House of Representatives:

I have the honor to inform the House of Representatives, through you, that the following named members of the House of Representatives, have, on this, the 13th day of May, 1869, presented and delivered to me their resignations as Members of the House of Representatives of the State of Indiana, viz:

James F. Mock, Representative from the county of Madison;

C. R. Cory, Representative from the county of Franklin;

W. D. Hutchings, Representative from the counties of Clark, Scott and Jefferson;

J. R. Bobo, Representative from the counties of Wells and Adams;

Duncan Montgomery, Representative from the county of Johnson;

Truman H. Palmer, Representative from the county of Clinton;

J. C. McGregor, Representative from the county of Clay ;

C. R. McBride, Representative from the county of Clark ;

LeRoy Cave, Representative from the counties of Dubois and Martin.

Simon Wile, Representative from the county of Laporte.

James D. Williams, Representative from the county of Knox ;

Wiley E. Dittmore, Representative from the county of Owen ;

D. W. Cunningham, Representative from the county of Fountain ;

Robert Logan, Representative from the county of Pike ;

John Addison, Representative from the county of Hancock ;

LeRoy Calvert, Representative from the county of Vanderburg ;

Daniel H. Long, Representative from the counties of Brown and Jackson ;

W. K. Admire, Representative from the counties of Morgan and Johnson ;

J. C. Lawler, Representative from the county of Washington ;

Warren Tebbs, Representative from the county of Dearborn ;

Jonathan D. Cox, Representative from the county of Miami ;

John Hyatt, Representative from the county of Daviess.

S. J. Barritt, Representative from the county of Bartholomew ;

John L. Bates, Representative from the counties of Crawford and Orange ;

D. McDonald, Representative from the county of Marshall ;

Allen Zollars, Representative from the county of Allen ;

N. D. Miles, Representative from the county of Sullivan ;

Thomas W. Sunman, Representative from the county of Ripley ;

Willis G. Neff, Representative from the the county of Putnam ;

John C. Shoemaker, Representative from the county of Perry ;

M. T. Carnahan, Representative from the county of Posey ;

Peter M. Zenor, Representative from the county of Harrison ;

James M. Sleeth, Representative from the counties of Bartholomew and Shelby ;

John S. Cotton, Representative from the county of Whitley ;

J. F. Welborn, Representative from the county of Vanderburg ;

Lewis D. Britton, Representative from the county of DeKalb ;

Benjamin D. Miner, Representative from the county of Allen ;

Samuel A. Shoaff, Representative from the counties of Blackford and Jay ;

B. S. Fuller, Representative from the county of Warrick ;

James G. Johnson, Representative from the county of Montgomery ;

Isaac Odell, Representative from the county of Shelby.

You will please present this communication to the House.

CONRAD BAKER.

Mr. Coffroth moved a call of the House.

Which was agreed to.

Those who answered to their names were,

Messrs. Baker, Barnett, Beatty, Beeler, Breckinridge, Chapman,

Chittenden, Coffroth, Davidson, Davis of Elkhart, Davis of Floyd, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Mitchell, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of Union, Wilson and Mr. Speaker—56.

On motion, the further proceedings under the call was dispensed with.

The question recurring on the motion by Mr. Osborn,

Mr. Coffroth raised the point of order that it was not in order to entertain the motion, because there was not a quorum present.

Whereupon the Speaker ruled, that for ordinary legislation, it was necessary that there should be sixty-seven members of the House present, and answer to their names; but this question the Constitution does not define—what members, more than a majority of the Legislature, shall vote on an amendment to the Constitution of the United States—and that the motion was in order, and would be entertained.

Mr. Coffroth submitted the following appeal:

On Friday afternoon, May the 14th, A. D. 1869, a call of the House having been ordered and taken, and having shown that only fifty-six (56) members were present, and on motion made to send for absentees; thereupon the gentleman from Putnam and Hendricks (Mr. Osborne) moved to proceed to the consideration of Senate joint resolution No. 18, which is a joint resolution to ratify the proposed Fifteenth Amendment to the Constitution of the United States. Whereupon the gentleman from Huntington (Mr. Coffroth) raised the point of order—that it was not competent for the House to proceed to the consideration of said joint resolution,

because there was no quorum present, and that, for the same reason, was not in order to transact any legislative business; but the Chair overruled the said point of order, and decided that the House could proceed to the consideration and decide upon said joint resolution.

Now, from said decision we, the undersigned, do appeal.

JOHN R. COFFROTH,

Representative from Huntington county.

JOHN S. DAVIS,

Representative from Floyd county.

Mr. Osborn moved to lay the appeal on the table.

Messrs. Coffroth and Davis demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Chapman, Chittenden, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Parke, Johnson of Marshall, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stanton, Stephenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of Union, Wilson, and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Coffroth, Davis of Floyd, and Mitchell—3.

So the question to lay on the table prevailed.

Message from the Senate, by Mr. Wilson, Secretary thereof:

MR. SPEAKER:

The President of the Senate has signed enrolled Senate acts Nos. 330, 64, 134, 239, 51, 194, 146, 255, 286, 284 and 246.

And the same are herewith transmitted, for the signature of the Speaker of the House.

Also, that the President of the Senate has signed enrolled acts of the House Nos. 160, 158, 97 and 52.

And the same are herewith returned to the House.

The Speaker announced that he had signed enrolled acts Nos. 52, 97, 158 and 160 of the House.

The Speaker announced that he had signed enrolled Senate bills Nos. 194 and 51, and enrolled House bills Nos. 239, 64, 286 and 284.

The question being on the demand for the previous question,

It was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question recurring on the motion by Mr. Osborn, to take up Senate joint resolution No. 18,

It was agreed to.

Senate joint resolution No. 18,

Was read a first time.

The question being, shall the resolution pass?

Those who voted in the affirmative were,

Messrs. Baker, Barnett, Beatty, Beeler, Bowen, Breckinridge, Chapman, Chittenden, Davidson, Davis of Elkhart, Dunn, Fairchild, Field of Lake, Field of Lagrange, Furnas, Gilham, Gordon, Greene, Hall, Hamilton, Higbee, Higgins, Hutson, Johnson of Marshall, Jump, Kercheval, Lamborn, Mason, Millekan, Miller, Monroe, Osborn, Overmyer, Pierce of Porter, Pierce of Vigo, Ratliff, Ruddell, Sabin, Skidmore, Smith, Stanton, Stepehenson, Stewart of Ohio, Stewart of Rush, Taber, Underwood, Vardeman, Vater, Wildman, Williams of Hamilton, Williams of Union, Wilson, and Mr. Speaker—54.

Messrs. Coffroth, Davis of Floyd, and Mitchell were present, and refused to vote.

So Senate joint resolution No. 18 passed.

The question being, shall the title as read stand as the title of the resolution ?

It was agreed to.

Ordered, That the Clerk inform the Senate of the passage of the same.

Mr. Overmyer, from the Committee on Enrolled Bills, made the following report :

MR. SPEAKER :

Your committee, to whom was referred House bills Nos. 158, 52, 97 and 160, have compared the same with the original bills, and find the same correctly engrossed.

Mr. Osborn moved that the House do now adjourn.

Which was agreed to.

SATURDAY MORNING, 9 O'CLOCK, }
 May 15, 1869. }

The House met.

Mr. Williams, of St. Joseph asked and obtained leave to record his vote on the Constitutional Amendment—aye.

Mr. Coffroth moved that when the House adjourn, it stand adjourned until Monday morning, at nine o'clock.

Which was agreed to.

Mr. Coffroth, by consent, offered the following resolution :

Resolved, That the warmest thanks and most kindly wishes of this House are hereby presented to the Hon. George A. Buskirk, for the able, faithful and impartial manner in which he has discharged his duties as Speaker.

Which was agreed to.

Messrs. Coffroth, Pierce of Porter, Johnson of Parke, Fairchild, Higgins and Wildman, asked and obtained leave of absence for the remainder of the session.

Mr. Pierce of Porter, by consent, offered the following resolution :

Resolved, That the thanks of the House are hereby tendered to William M. Merwin, Principal Clerk, John O. Hardesty, Assistant Clerk, Captain D. H. Olive, Principal Journal Clerk, Thomas C. McCann, Doorkeeper, C. D. McCoy, Assistant Doorkeeper, Colonel James B. Mulkey, Speaker's Clerk, and to each of the employees, in each department connected with the House, for the

able and faithful manner in which they have discharged their duties during the General and Special Session.

Which was agreed to.

Mr. Wildman moved that the House do now adjourn.

Which was agreed to.

MONDAY MORNING, 9 o'clock, }
May 17, 1869. }

The House met.

By consent the reading of the Journal was dispensed with.

Mr. Mitchell from the Committee on Enrolled Bills made the following report :

MR. SPEAKER :

Your Committee on Enrolled Bills, would respectfully report that they have compared Enrolled acts of the House, Nos. 311 and 321, with the engrossed copies, and find the same correctly enrolled.

The Speaker laid before the House the following message from the Governor :

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, May 17, 1869. }

MR. SPEAKER :

I am directed by the Governor to respectfully inform the House that he has approved and signed the following enrolled acts of the House, to-wit :

Enrolled act No. 11, entitled an act to fix the times of holding Courts in the Eleventh Judicial Circuit, repealing all laws in conflict therewith, and declaring an emergency.

Enrolled act No. 53, entitled an act to regulate the mileage of Sheriff's in conveying convicts to the State Prisons, and repealing all laws in conflict herewith.

Enrolled act No. 90, entitled an act creating the Twenty-eighth and Twenty-ninth Judicial Circuits ; providing for the election of Judges and Prosecuting Attorneys thereof, and providing compensation therefor ; declaring the jurisdiction of said Courts, and providing for a transfer of actions thereto.

Enrolled act No. 95, entitled an act for the relief of John Ingle and John Ingle, jr.

Enrolled act No. 113, entitled an act to render taxation for Common School purposes uniform, and to provide for the education of the Colored children of the State.

Enrolled act No. 140, entitled an act repealing sections two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, nineteen, twenty, twenty-one and twenty-two, of an act entitled "An act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, and providing compensation for the services of such officers," approved March 11, 1867, and prescribing further duties of the Officers of Elections, and providing for the appointment of the necessary Officers and Clerk's for holding such elections.

Enrolled act No. 176, entitled an act to establish a Female Prison and Reformatory Institution, for girls and women, to provide for the organization and government thereof, and making appropriations.

Enrolled act No. 294, entitled an act for the relief of Patrick Donovan deceased.

Enrolled act No. 334, entitled an act in relation to Criminal Circuit Courts and the Judges thereof; fixing the salaries of the Judges and Prosecuting Attorneys, and providing for the payment thereof.

Enrolled act No. 52, entitled an act authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject, approved March 11, 1867:

Enrolled act No. 97, entitled an act authorizing certain County Auditors to correct their reports to the Superintendent of Public Instruction, relating to the School Fund, Common and Congressional, as required by an act entitled "An act requiring County Auditors to make examination of the records in their offices in re-

lation to School Funds, and to make report, and providing compensation therefor, approved December 21, 1865, and declaring an emergency.

Enrolled act No. 158, entitled an act to amend section twenty-three of an act entitled "An act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana; for the election of Township Assessors, and prescribing the duties of assessors, appraisers of real property, County Treasurers and Auditors, and the Treasurer and Auditor of State," approved June 21, 1852.

And that the same have been deposited in the office of the Secretary of State.

JNO. M. COMMONS, *Private Secretary.*

Whereupon the Speaker submitted the following:

Gentlemen of the House of Representatives:

This session expires to-day by constitutional limitation, and we have met this morning for the purpose of performing the closing act of the session—to adjourn *sine die*.

But before pronouncing the adjournment, I feel it to be my duty as well as my pleasure, to return to each of you, so far as words will express it, my heart-felt thanks for the uniformly kind and courteous treatment that you have extended to me as your presiding officer. Your kindness and partiality shall never be forgotten, and when age shall have dimmed the eye and silvered the lock, I will recur to the time spent here this session as among the most pleasant and agreeable recollections of my life.

By a unanimous vote the thanks of the House have been tendered to Wm. M. Merwin, Principal Clerk, John O. Hardesty, Assistant Clerk, T. C. McCann, Doorkeeper, and their employees; and I would be remiss in duty if I did not add my testimony to the fidelity and promptness that has characterized their conduct from the beginning to the close of the session in the discharge of their important duties. And for the numerous acts of personal kindness shown me, my kindest regards shall follow them through life.

I here wish to say, that if at any time, in the discharge of the perplexing duties of the Chair, or in the more exciting contests incident to debate, I have given offense, I take this occasion to humbly ask forgiveness, and that the act be not imputed to any intentional disregard of the rights or feelings of others, but the result of a momentary weakness to which we are all subject.

The circumstances under which we were called together caused the most prudent and thoughtful to entertain the belief that unusual partizan bitterness would be displayed during the session, and that our proceedings would be noted for their disorderly character; but to our own credit, and to the credit of our State, mutual forbearance of those differing politically, the state of affairs anticipated were averted; and probably never in the history of the Legislature of the State, has more general good feeling existed, and uniform courtesy been displayed among members, than during this session.

I have neither the time or inclination to enter into a discussion of the merits of the laws enacted. This subject more properly belongs to our constituents, and doubtless they will do so, and hold us to a strict accountability, which, in my judgment, is the true check upon improper legislation. For, while the position of a member of this House is in no way desirable, there are few of us that care to forfeit the good opinion of those we represent. Many laws of an important character failed to pass for want of time, while others, of doubtful expediency, have been enacted. But I indulge the hope that the most of those that have received our sanction will tend to promote the general welfare.

It is to me a source of congratulation that you are so soon to realize the bright anticipations indulged so freely throughout the session, of once more resuming the endearing relations of home. To those of you who are blessed with a loving wife and affectionate children, this must be the consummation of true happiness. And the wonder is that intelligent gentlemen can be induced, even for the short period that we have spent at the Capital, to abandon such a relation for the thankless and unprofitable business which called us together.

In conclusion, permit me to indulge the hope that health and prosperity may follow you to the close of a long and useful life. I now pronounce this House adjourned *sine die*.

GEO. A. BUSKIRK,

Speaker of House of Representatives.

Whereupon, the House stood adjourned *sine die*.

JOHN O. HARDESTY,

Assistant Clerk of House of Representatives.

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CALENDAR

Of House Bills and Joint Resolutions introduced and pending in the House upon the adjournment of the Extra Session, May 17, 1869.

No.	TITLE.	Intro-duced	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	Approved	BY WHOM INTRODUCED.
✓ 312	A BILL making it a misdemeanor to charge a female with unchastity, or with having had illicit intercourse with a male other than her husband, and prescribing the punishment therefor, and declaring an emergency...	24	243, 329, 347.....	.....	.....	.....	.....	Pierce, of Vigo.
✓ 313	A BILL to amend an act entitled "An act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children," approved May 6, 1852.....	24	201, 325, 414.....	.....	.....	.....	.....	Stephenson.
✓ 314	A BILL to amend an act entitled "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements," approved January 17, 1862...	24	246, 329, 380.....	.....	.....	.....	.....	Kercheval.
✓ 315	A BILL authorizing the Boards of County Commissioners of the several counties of this State to make appropriations and donations for purposes therein mentioned.....	24	306, 330, 527.....	528	.....	.....	.....	Zollars.
✓ 316	A BILL to amend section sixteen of an act entitled "An act to define felonies, and prescribing punishment therefor," approved June 10, 1852.....	25	199.....	.....	.....	.....	.....	Williams, of Hamilt- ton.
306	A BILL fixing the per diem and mileage of members of the General Assembly, the pay of the Secretary of the Senate, the Clerk of the House of Representatives, the Doorkeepers of the Senate and House, the clerks on the Committees of the two Houses, etc.....	25	199, 201, 251, 327.....	.....	.....	.....	.....	Monroe.
✓ 317	A BILL for the protection of manufacturers of cotton and woolen goods within this State.....	25	132, 322.....	.....	.....	.....	.....	Wile.
✓ 318	A BILL to amend section three of an act providing for the election, and prescribing certain duties, of county surveyors, approved June 17, 1852.	25	133, 322, 423.....	.....	.....	.....	.....	McDonald.
✓ 319	A BILL repealing the act entitled "An act to amend the seventeenth section of an act entitled an act providing for the organization of County							

320	Boards, and prescribing some of their powers and duties," approved March 4, 1892.....	26	134.....				Vater.
156	A BILL to amend section four of an act entitled "An act to authorize and limit allowances by courts and boards, and drafts upon County Treasurers," approved —, 18—.....	26	200.....				Gordon.
152	A BILL creating a lien on real estate sold for taxes by County Treasurers, and for all subsequent taxes paid.....	28	28.....				
311	A BILL to limit the time for commencing actions for the recovery of land sold for taxes.....	28, 102, 261	28, 102, 261.....				
176	A BILL making specific appropriations for the year one thousand eight hundred and sixty-nine.....	29, 115, 118.....	122.....				
194	A BILL to provide for a reformetry institute for girls and women.....	30, 102, 262, 347.....	348.....			609	
64	A BILL to provide for the publication and distribution of the Annual Reports of the Indiana State Board of Agriculture and of the Indiana State Horticultural Society.....	31, 102, 150.....	151.....				
228	A BILL regulating certain fees of, and allowances to, sheriffs and clerks of the Circuit Court designated therein.....	32.....	318	381, 384.....		554	
154	A BILL to amend section three of an amendatory act for the regulation of weights and measures, approved June 9, 1832, and declaring an emergency.....	32.....					
810	A BILL to authorize Boards of County Commissioners of the several counties in this State to levy taxes for the purpose of making subscription to the capital stock of any railroad company, and providing for the collection of such taxes and the subscription of such stock, and declaring an emergency.....	32, 81, 82, 125, 322, 394.....					
67	A BILL touching vacancies in county and township offices, and filling the same by appointment, repealing all laws in conflict with the provisions of this act, and declaring an emergency.....	45.....					
292	A BILL regulating certain fees of, and allowances to Sheriffs and Clerks of the Circuit Courts designated therein.....	45, 260.....					
136	A BILL to amend section one of an act entitled "An act providing for the election of County Sheriffs, and prescribing some of their duties,".....	63, 152, 331, 422.....					
321	A BILL creating a lien on real estate sold for taxes by County Treasurers, and for all subsequent taxes paid.....	63, 259.....	429.....				
322	A BILL to amend an act entitled, "An act to authorize cities and towns to negotiate and sell bonds to procure means with which to complete unfinished school buildings, and pay debts contracted for the erection of such buildings, and authorizing the levy and collection of an additional special school tax, for the payment of the principal and interest of such bonds," approved March 11, 1877.....	69	99, 179, 180, 194.....	181	585	608.....	Baker.
163	A BILL to enable railroad companies which have formed articles of association, naming the place from and to which the proposed roads are to be constructed, to perfect their lines by connections, to preserve their franchises, and to define the extent, character and privileges of the same.....	69	138, 159, 236, 227.....	228	321	335, 337.....	Barnett.
323	A BILL to prevent the erection or maintenance of a nuisance on any lands, or adjoining lands, belonging to the State.....	73, 320, 350.....					
	A BILL defining when the resignation of members of the General Assembly shall take effect.....	75					

CALENDAR OF HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

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No.	TITLES.	Intro-duced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	Approved	BY WHOM INTRODUCED.
324	A BILL to provide for the selection and location of a site for a College of Agriculture, Science and Mechanic Arts.	75	89, 445.					
✓ 325	A BILL to provide for the re-location of county seats, the erection of public buildings in case of such re-location, repealing all laws in conflict herewith, and declaring an emergency.	76	205, 271, 272, 310, 328, 471	472				Bobo.
✓ 326	A BILL to amend section eighty-seven of an act entitled, "An act to compel witnesses to attend and testify before the Grand Jury."	76	247					Bowen.
✓ 327	A BILL to amend section twenty-one of an act entitled, "An act to provide for the opening, vacating and changing of highways," approved June 17, 1852.	76	444					Britton.
✓ 328	A BILL to provide for the registration of births, marriages and deaths.	76	205, 306.					Breckenridge.
✓ 329	A BILL to amend sections seven and forty-nine of an act entitled, "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain foris to be used in such settlement," approved June 17, 1852.	76	320					Carnahan.
✓ 330	A BILL to abolish certain offices provided for in the act for the incorporation of cities, transferring the duties thereof to the City Treasurer, and providing what shall be the basis of city taxation, and matters properly connected therewith, and repealing all laws inconsistent therewith.	77	199, 328, 567					Coffroth.
✓ 331	A BILL authorizing the State of Indiana to demand a change of venue in all criminal cases pending before any judge who may have expressed an opinion upon the merits of the cause before trial, and directing the mode of procedure in order to obtain such change.	77	246					Calvert.
✓ 332	A BILL to fix the time of holding the Common Pleas Courts in the Twenty second District.	77	78, 140, 145	78	146	153	258	Cory.
128	A BILL to amend section 13 of an act authorizing the construction of plank, macadamized and gravel roads, approved May 12, 1852, and exempting all persons going to and returning from public worship, and all persons going to and returning from Sunday-schools, from the payment of toll.		82, 102, 338					
95	A BILL for the relief of John Ingles and John Ingles, Jr.		84, 102, 303	364	581	585, 586	609	
175	A BILL to provide for special terms of the Courts of this State, to settle issues, preliminary and interlocutory motions and orders, in actions pending therein, and to prepare for the trial of said actions, and declaring an emergency.		84, 196, 315, 328, 343					
211	A BILL to prevent dogs from running at large in the night time, and other matters properly connected therewith, and declaring an emergency.		84, 247, 362					

CALENDAR OF HOUSE BILLS AND JOINT RESOLUTIONS.—Continued.

No.	TITLE.	Intro- duced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	Approved	BY WHOM INTRODUCED.
351	repealing all laws inconsistent herewith, and declaring an emergency; approved March 11, 1867..... A BILL to amend section three of an act entitled, "An act to fix the time of holding the Common Pleas Court in the several counties of this State, the duration of the terms thereof, and making all precepts from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859..... A BILL providing for a library of books in each of the penitentiaries, and also one for the Indiana State School of Reform, and making necessary appropriation for defraying the expense of the same..... A BILL to fix the compensation of county officers and their clerks or deputies, and providing how they shall receive the same, and providing for a record of all fees charged or allowed by law and received by them, and the distribution thereof; and defining how and when they shall make out their quarterly reports to the Board of County Commissioners, prescribing a penalty for the violation thereof, and fixing the time for the taking effect of this act, and repealing all laws in conflict therewith..... A BILL regulating the salaries and allowances of County Auditors, Treasurers, Clerks and Sheriffs, and providing the means for paying the same, and regulating the allowances made by County Commissioners and Circuit and Common Pleas Courts; providing a penalty for the violation of the provisions of this act, and repealing all laws inconsistent therewith..... A BILL supplemental to an act for the protection of sidewalks..... A BILL to enable occupants of lands surveyed by the United States, and bordering upon lakes, to hold and improve the same..... A BILL to empower County Commissioners to authorize Township Trustees to levy a tax for the purpose of repairing and insuring bridges..... A BILL in relation to City Judges..... A BILL to provide for the protection of fish, preventing the trapping, netting, or seining thereof, and affixing a penalty for the violation thereof..... A BILL to repeal all laws in relation to divorce in the State..... A BILL to enable railroad companies which have formed articles of association warning the counties through which said railroads are to pass, and to perfect their organizations..... A BILL to provide a fund for the support and encouragement of societies organized for the suppression of crime, and the arrest and punish-	164 441.....						Field, of Lagrange.
352		164 213, 326, 389.....						Kerecheval.
353		164.....						Furnas.
354		165 204, 327.....						Gordon.
355		165.....						Greene.
356		166 443, 495, 506.....						Hall.
357		166 328, 343, 355.....						Higgins.
358		166 516.....						Johnson, of Parke.
359		167 197.....						Johnson, of Marshall.
360		167 442.....						Jump.
361		167 517.....						Lamborn.
362		168 214, 327, 385.....						Mason.

363	ment of the violators of the criminal laws of the State of Indiana.....	171	443	McDonald.
364	A BILL to fix the time of granting divorces and prescribing the penalty for violation.....	171	517	McGregor.
365	A BILL defining the duties of Prosecuting Attorneys of Criminal Courts of the State of Indiana.....	172		Miles.
366	A BILL to provide for the protection of fish, defining the time in which they may be trapped, netted or seined, adixing the penalty for the violation of this act, repealing all laws, or parts of laws, coming in conflict with the provisions of this bill, and declaring an emergency.....	172		Mitchell.
367	A BILL to repeal the fish law.....	172	442	Montgomery.
368	A BILL to amend an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases, in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity".....	172	198	Neff.
369	A BILL supplemental to an act passed December, 1865, entitled "An act to secure a just valuation and taxation of railroad property within this State, to legalize the valuation, assessment, adjustment, and payment of taxes for such property, made subsequent to the year 1859, and to amend sections five and eight of the same act.....	175	213	Neff.
370	A BILL abolishing the office of Township Assessor, and providing that Township Trustees shall perform the duties heretofore performed by Township Assessors.....	176	443	Osborn.
371	A BILL to amend section one hundred and three of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith," approved March 11, 1861.....	176	196, 327, 380	Overmeyer.
372	A BILL to amend an act entitled "An act to provide for the opening, vacating, and change of highways," approved June 7, 1852.....	176	213, 324, 394	Pierce, of Porter.
373	A BILL to define and make a criminal offense, extortion or attempted extortion, and prescribing the punishment therefor.....	176	198	Pierce, of Vigo.
374	A BILL providing for the vacation of highways and streets, and certain portions of either, and also for the opening of the same.....	176	212, 325	Osborn.
375	A BILL to amend sections forty-four, forty-six, fifty-one, and fifty-three of an act entitled "An act to provide for a general system of common schools, the officers thereof and their respective duties and matters properly connected therewith, and prescribing the fees for certain officers therein named and the establishment and regulation of township libraries," etc.....	177	443	Ruddell.
376	A BILL to amend section twenty-nine of an act entitled "An act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases".....	177	329	Smith.
377	A BILL to incorporate Life Insurance Companies, to make certain provisions concerning contracts of life insurance, and to regulate the agencies of Foreign Life Insurance Companies doing business in this State.....	177	309, 482, 528	Stephenson.
	A BILL defining the duties of School Examiners and School Trustees, and providing for the examination of Teachers, &c.....	177	520	Staaton.

CALENDAR OF HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

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No.	TITLE.	Intro-duced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	Approved.	By Whom INTRODUCED.
378	A BILL to amend sections 6, 7, and 10, of an act entitled "An act regulating granting divorces, nullifying marriages, decrees and orders of courts incident thereto, and declaring all laws and parts of laws in conflict, repealed."	178	516, 556.	.....	.....	.....	.....	Welborn.
379	A BILL to amend section twenty-seven of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and repealing all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.	178	323, 339	.....	.....	.....	.....	Sunnau.
381	A BILL to amend section one of an act entitled "An act to prevent the breaking of a quorum in the General Assembly, and prescribing punishment."	178	248, 330, 402, 538.	539	.....	.....	.....	Tebbs.
382	A BILL to amend section eight of an act entitled, "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.	184	.....	.....	.....	.....	.....	Vardeman.
383	A BILL to authorize the Sheriff to pay over any money collected on executions into the hands of the Clerk of the Court. The Clerk shall receipt the Sheriff therefor, which shall release the Sheriff and his sureties from all liabilities therefor. The Clerk shall pay over all money so received to the person or persons for whom it was collected, and the Clerk and his sureties made liable on their penal bond for money so received; repeal all laws in conflict with this act, and declaring an emergency.	185	.....	.....	.....	.....	.....	Vater.
384	A BILL concerning deeds to School, Saline, University, Slaking Fund, and other lands belonging to the Trust Funds of the State, and legalizing certain deeds heretofore made for such lands.	185	250, 323, 394	.....	.....	.....	.....	Williams, of Hamilton.
385	A BILL to repeal an act entitled "An act to prevent the breaking of a quorum in the General Assembly, and prescribing punishment therefor."	186	.....	.....	.....	.....	.....	Williams, of Knox.
386	A BILL defining certain felonies, and prescribing punishment therefor.	186	325, 380	.....	.....	.....	.....	Zenor.
23	A BILL to change the time of holding elections in this State, and to fill all vacancies in office occasioned by the provisions of this act, and declaring an emergency.	186	.....	.....	.....	.....	.....	Zollars.
129	A BILL for the relief of Nicholas Morback, Joseph E. Lange, and Francis	.....	.....	186	.....	205, 214, 228	238	.....

53	Joseph Wetzler.....	190, 205, 214, 275	190, 205, 214, 275	608
220	A BILL to regulate the mileage of Sheriffs in conveying convicts to the State Prisons, and repealing all laws in conflict herewith.....	190.....	193	559, 558, 581, 582
270	A BILL to authorize the amendment of bills of exception in certain cases therein mentioned.....	198, 328		
	A BILL to amend sections one hundred and twenty-five and thirty-three of an act to provide for a General System of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named.....	203, 307		
171	A BILL to amend section eight of an act providing for the election of Clerks of the Circuit Courts, and prescribing some of their duties, approved June 7, 1852.....	204, 320, 414		
212	A BILL to amend section one of an act fixing the pay of members of the General Assembly, approved March 4, 1865.....	204, 326		
233	A BILL to amend section nine of an act regulating the fees of officers, and repealing former acts in relation thereto	205.....		
142	A BILL to revise and amend section five of the Conny Surveyor's act.....	206, 284, 423		
197	A BILL to legalize the proceedings of the Board of Towns in certain cases.....	212		214, 215, 240, 250, 263, 307, 358
309	A BILL making general appropriations for the years 1869 and 1870.....	231		
150	A BILL appropriating twelve thousand dollars for furnishing wards and subsisting patients in the north wing of the Indiana Hospital for the Insane until the thirty-first of March, 1869, and declaring an emergency.....			
65	A BILL amending section fifteen of an act entitled "An act for the incorporation of manufacturing and mining companies, and for mechanical, chemical, and building purposes," approved May 20, 1852, and declaring the meaning of the word "annually," as used in the thirteenth section of said act.....			235, 244, 261, 252, 324.....
214	A BILL supplemental to an act entitled "An act authorizing the purchase of approved March 5, 1859, entitled "An act authorizing the purchase of railroads, plank roads, or macadamized road", or parts thereof, under mortgage sales, or sales made according to the times of the deeds trust; to organize as incorporated companies, and prescribing their powers, and extending the time provided in said act for the organization of such distinct organization; " of trustees, and providing for the mode of working and improving streets and alleys, and declaring an emergency			235 249, 258, 261, 262..... 358
34	A BILL to enable incorporated towns to lay out, open, grade and improve streets and alleys, and make public improvements therein, and to make surveys and adopt plat", where the same have been lost or destroyed, and prescribing the duties of the Board of Commissioners.....			235 249, 258, 261, 262..... 358
209	A BILL to define certain offenses therein mentioned, and to prescribe punishment therefor, and to suppress the usurpation of the functions of the Judiciary in the punishment of real or pretended offenses.....			
234	A BILL declaring the meaning of sections fourteen and sixteen of an act entitled "An act containing several provisions regarding landlords, tenants, lessors, and lessees, approved March 20, 1852, and to authorize and give a right of action by one joint tenant, tenant in common, or	238, 350, 117	418	

CALENDAR OF HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

No.	TITLE.	Intro- duced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	Approved	BY WHOM INTRODUCED.
80	tenant in coparcenary against other joint tenants, tenant in common and tenants in coparcenary, and to recover rents for use and occupation of land from such tenant in possession, and declaring an emergency,".....	.....	238, 303, 425	426	.....	.....	.....	.....
219	A BILL declaring what evidence shall be sufficient <i>prima facie</i> , to establish title to real estate under a Sheriff's sale on execution, and providing that such sales shall not be adjudged void or set aside on account of the failure of the Sheriff to sell in parcels.....	.....	239, 421.....	422	.....	.....	.....	.....
153	A BILL to amend section nine of an "Act to provide for the assessment and collection of taxes on the shares of stock owned in Bank and Banking Associations doing business in this State,".....	.....	239, 293, 426 .....	.....	.....	.....	.....	.....
31	A BILL to repeal all laws providing that not more than five acres shall be subject to taxation within a city, and to make all property subject to State and county taxation within a city, subject to taxation for city purposes.....	.....	239, 242, 316 .....	.....	.....	.....	.....	.....
222	A BILL to amend section nine of an act entitled "An act providing for the election and qualification of Justices of the Peace, defining their jurisdiction, powers and duties in civil cases; approved June 19, 1852, and repealing all laws in conflict therewith,".....	.....	240, 266 .....	.....	.....	.....	.....	.....
207	A BILL authorizing the Auditor of State to adopt a uniform system of book-keeping for the use of Township Trustees, and providing for the payment of the same.....	.....	244, 311 .....	.....	.....	.....	.....	.....
287	A BILL to amend section one hundred and fifty-six of the Practice Act.....	.....	245.....	.....	.....	.....	.....	.....
90	A BILL creating the Twenty-fifth Judicial Circuit, providing for the election of Judges and Prosecuting Attorneys therefor, and providing compensation therefor.....	.....	339, 394 .....	.....	.....	.....	.....	.....
92	A BILL to amend section one of an act entitled "An act to establish a House of Refuge for the correction and reformation of juvenile offenders," approved March 8, 1857.....	.....	263.....	.....	264	313, 362, 380, 452, 523, 574, 575, 608	.....	.....
72	A BILL defining what counties shall constitute the Fifth (5th) Judicial Circuit, and fixing the time of holding courts therein.....	.....	263.....	.....	.....	.....	.....	.....
387	A BILL to provide for the government and discipline of the State Prison, and for the oversight of County Jails, and to repeal all other laws and parts of laws inconsistent herewith.....	.....	.....	.....	263	266, 300, 303	368	.....
208	A BILL to legalize conveyances of real estate made by married women under the age of twenty-one years, where they have joined with their husbands in deed, conveying his land, where such husband is now living, and declaring an emergency.....	209	288, 330, 482 .....	.....	.....	.....	.....	Ruddell.
		.....	272, 283, 530	531	.....	.....	.....	.....

79	A BILL to provide for the erection and repair of bridges, to repeal all laws inconsistent therewith.....	272, 310, 335	337		
238	A BILL authorizing County Commissioners to make appropriations, and to issue bonds in certain cases.....	272, 534			
159	A BILL to amend section 10 of an act to authorize and limit allowances by courts and boards, and drafts upon county treasurers, and declaring an emergency.....	272, 287, 499	500		
261	A BILL to make a specific appropriation to the House of Refuge.....	273			
257	A BILL to amend section 1 of an act entitled "An Act providing for the election or appointment of Supervisors of highways, and prescribing the time of electing the same, and declaring an emergency....."	273, 283, 531	532		
259	A BILL to amend an act entitled "An Act to provide for the protection of fish, defining the time in which they may be trapped, netted, or seined, affixing the penalty for the violation of this Act, and declaring an emergency," approved March 9, 1867.....	274			
157	A BILL to regulate the publication of legal advertisements.....	274, 312, 430, 532	533		
33	A BILL for the relief of the widow and minor heirs of J. F. Dunn, deceased.....	274, 281			
246	A BILL to enable railroad companies to issue bonds to cities, towns and counties, and to authorize cities, towns and counties to issue bonds in certain cases, and to authorize cities, towns and counties to buy the bonds of railroad companies.....	274, 286, 311, 542			
40	A BILL to enable county commissioners to demand, sue for, and receive any bounty fund which may have been raised by the citizens of any county in the State, and which remains unexpended or not accounted for and declaring an emergency.....		275	285, 291	358
268	A BILL for the preservation of Indiana battle flags, military trophies and relics.....				
258	A BILL to amend section twenty of an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved March 5, 1859.....	279, 294, 427	428		
125	A BILL to amend an act entitled "An act to amend the forty-fifth section of an act entitled "An act to provide for the opening, vacating and change of highways," approved March 5, 1867....."	279			
216	A BILL to amend "an act to enable owners of wet lands to drain and reclaim them where the same can be done without affecting the lands of others, prescribing the powers and duties of County Boards and County Auditors in the premises, and repealing all laws inconsistent therewith," approved March 11, 1867.....	270, 303	499		
145	A BILL to amend sections one, six and nine of an act entitled "An act to incorporate the Lafayette Insurance Company," approved February 8, 1856, and declaring an emergency.....	280			
28	A BILL to amend sections one, two and five of an act entitled "An act to create the Eighteenth Judicial Circuit of the State of Indiana, and fixing the time of holding courts therein," approved March 1, 1867.....	280, 313	427		
60	A BILL to amend an act incorporating cities and towns.....	280			
62	A BILL to amend section one hundred and forty-seven of "An act to provide for a general system of Common Schools," &c.....	283	283	297, 298, 302	358
		283	341	341, 388, 389	553

CALENDAR OF HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

No.	TITLE.	Introduced.	Proceedings Thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By Whom Introduced.
166	A BILL requiring the publication of legal advertisements and notices to be made in German newspapers in certain cases.....		283, 312, 539.	540				
229	A BILL to prevent the destruction of wild and harmless birds, birds of song, insectivorous birds, and their nests and eggs, in this State, and fixing the penalty of the same.....		284, 540.					
247	A BILL to amend sections 1 and 122 of an act approved March 11, 1861.....		284, 310.					
139	A BILL to prevent the spread of distemper among horses, and providing penalties therefor.....		204, 304.	545				
232	A BILL allowing an increased rate of toll on turnpike, plank, and gravel roads in certain cases, repealing conflicting laws, and declaring an emergency.....		285, 304.	544				
266	A BILL creating the Board of Immigration, defining their duties and powers.....		285.					
231	A BILL defining a certain felony and misdemeanor and prescribing penalties therefor.....		285, 313.	537				
181	A BILL authorizing incorporated towns and civil townships to subscribe stock and make donations in aid of railroad companies.....		286, 310.					
148	A BILL in relation to the payment of costs in certain appeal cases, under the act in relation to public and private highways.....		280, 304, 543.					
262	A BILL to amend sections 3 and 8 of an act to regulate the inspection of petroleum oils.....		287, 304, 533.	534				
109	A BILL to amend sections 2 and 22 of an act concerning enclosures, trespassing animals and partition fences; approved June 4, 1852, and to repeal sections 14 and 23 of said act and declaring an emergency.....		287, 423.					
272	A BILL authorizing the Governor to institute suits against railroad companies which have not paid the taxes due, and making an appropriation therefor, and declaring an emergency for the immediate taking effect of this act.....		287, 423.					
274	A BILL to authorize the issuing of arms and equipments to regularly incorporated military companies.....		288, 212, 490, 530.					
275	A BILL to amend an act touching vacancies in office, and filling the same by appointments; approved May 13, 1852.....		288, 310.					
276	A BILL to authorize any person or persons owning a mill-race, or races, to enter upon adjacent lands and take therefrom such earth and gravel as may be necessary to repair such race or races, and paying a fair and reasonable compensation for the same.....		288, 310.					
278	A BILL to amend the title of an act concerning license to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire-dancing, puppet shows and legend-plays.....		290, 313, 535.	53				
279	A BILL to amend sections three and four of an act to regulate and li-							

CALENDAR OF HOUSE BILLS AND JOINT RESOLUTIONS—Continued.

No.	TITLE.	Intro-duced	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	Approved.	BY WHOM INTRODUCED.
302	missioners in at least two newspapers of the county, and declaring an emergency.....	.....	319, 423.....	.....	.....	.....	.....
304	A BILL to provide for the draining of swamp lands in the State of Indiana.....	.....	319, 345.....	.....	.....	.....	.....
305	A BILL declaring all section lines to be open as public highways..... A BILL to amend the 43d clause of section fifty-three of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and provide for the incorporation of cities, prescribing their powers, and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.....	.....	319.....	.....	.....	.....	.....
388	A BILL to authorize the President of the State Board of Agriculture to fill vacancies in the offices of Secretary, Treasurer, or Superintendent of the State Board of Agriculture, and declaring an emergency.....	.....	319, 347.....	.....	.....	.....	.....
132	A BILL to enable cities to aid in the construction of railroads and water-powers, and declaring an emergency.....	366	.....	367	321	325.....	553	Williams, of Knox.
122	A BILL requiring the State Printer to fix the cost of printing and binding all documents, books, bills, and other papers on the title page thereof, and declaring an emergency.....	.....	323.....	.....	.....	325, 360.....	553	
392	A BILL to authorize the Clerk of the Supreme Court of the State of Indiana to have the papers on file in his office, and the books and records of said office, indexed, allowing a compensation therefor, and declaring an emergency.....	.....	328.....	.....	.....	.....	.....
393	A BILL to amend section 601 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	331	459, 495, 498, 507, 530.....	.....	.....	.....	.....	Stephenson.
52	A BILL to authorize the assessment of land for the construction of plank and macadamized road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject, approved March 11, 1867.....	.....	.....	.....	.....	.....	.....	Neff.
119	A BILL making an appropriation of four hundred thousand five hundred and ninety-nine dollars and forty eight cents, to pay the claims of sufferers by the Morgan Raid.....	.....	340.....	.....	.....	.....	.....
294	A BILL for the relief of the heirs of Patrick Donovan, deceased.....	.....	.....	.....	.....	.....	.....
389	A BILL to authorize the Governor of the State to appoint commissioners to revise, amend, and remodel, the system of courts in this State, fixing the time when such Commissioners shall meet, giving them cer-	.....	339, 401, 402, 415. 354, 373, 379, 389, 395, 360, 404, 410, 463, 404, 367, 371.....	403	585	604, 605.....	609	
		.....	.....	372	581	585, 586.....	609	

205	tal privileges, fixing their compensation, and declaring an emergency.....	308	381, 422, 423.....	425	.....
225	A BILL to fix the time and length of term for holding the Circuit Courts, in the County of Marshall, and repealing all laws in conflict herewith.....	.....	.....	430	438, 463.....
172	A BILL to provide for holding the Court of Common Pleas, in the counties of Laporte and Marshall, and to repeal the law now in force in relation thereto.....	.....	.....	430	438, 463.....
264	A BILL to locate the Agricultural College.....	.....	445.....	.....	534.....
140	A BILL to abolish the death penalty.....	.....	418.....	425	.....
203	A BILL repealing certain sections of an act to provide for the registry of voters, and declaring their residences, etc., etc., and prescribing further duties of the officers of election.....	.....	.....	467	467, 470, 498 498, 511.....
385	A BILL fixing the time of holding Circuit Courts in the several counties composing the Sixth Judicial Circuit, repealing all laws in conflict therewith, making all process returnable to the time fixed by this act, and regulating the transaction of business therein.....	.....	.....	492	510.....
89	A BILL to create the Twenty-First and Twenty-Second Judicial Circuits, etc.....	.....	.....	493	494, 506, 511.....
394	A BILL for extending the time for the meeting of County Boards of Equalization, and fixing the time within which the County Auditors shall produce to said Boards an abstract of the appraisements of the real estate of their respective counties.....	504	.....	.....	.....
396	A BILL to provide for changes of venue in civil and criminal cases, and providing against delays and failures of justice resulting from such changes.....	.....	512.....	.....	.....
397	A BILL to enable cities to aid in the construction of railroads.....	.....	515.....	.....	.....
113	A BILL making specific appropriations for the year 1869.....	519	546, 576, 581.....	.....	.....
160	A BILL declaring what counties shall constitute the Fourth Judicial Circuit, fixing the time of holding courts therein, and repealing act approved April 22, 1869, creating the Twenty-Sixth Judicial Circuit.....	520	576.....	.....	.....
97	A BILL to render taxation for common school purposes uniform, and to provide for the education of the colored children of the State.....	.....	.....	569	581, 582, 583.....
311	A BILL to legalize the official acts of the several Boards of Trustees of the town of Noblesville, Hamilton county, Indiana, and all other officers of said corporation, under an act for the incorporation of towns, defining their powers, and providing for the election of the officers.....	.....	.....	582	604, 605.....
	A BILL authorizing certain County Auditors to correct their reports to the Superintendent of Public Instruction, relative to the School Fund, common and congressional, as required by an act entitled "An act requiring County Auditors to make examination of the records in their offices in relation to school funds, and make report, and providing compensation therefor," approved December 21, 1865, and declaring an emergency.....	.....	.....	587	604, 605.....
	A BILL making specific appropriations for the year 1869.....	587.....	601	608.....
		609.....

Stanton.

Stanton.

JOINT RESOLUTIONS OF THE HOUSE.

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No.	TITLE.	Intro-duced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	Approved	BY WHOM INTRODUCED.
5	A JOINT RESOLUTION relative to the finances of the country.....		29					
3	A JOINT RESOLUTION instructing our Senators and requesting our Representatives in Congress to enact a law taxing Government bonds.		85					
11	A JOINT RESOLUTION instructing our Senators in Congress, and requesting our Representatives to use their influence to have the names of the soldiers of the war of 1812 and the war with Mexico, and their widows and minor children, placed upon the pension rolls.....	95	288.....					Long.
13	A JOINT RESOLUTION for the relief of Martha Toombs, of Scott county, Indiana.....	135	320, 339					Pierce of Porter.
14	A JOINT RESOLUTION for creating another Judicial District for the District Court of the United States in Southern Indiana	185	323.....					Welborn.
15	A JOINT RESOLUTION requiring the State Printer to print fifteen thousand copies of the laws concerning decedents' estates and the duties of guardians, and prescribing the mode of distributing the same.....	186	323.....					Williams of Union.
16	A JOINT RESOLUTION for the removal of F. M. Meredith from the office of Director of the Southern Prison of Indiana.....	255	429	431		464.....		McBride.

JOINT RESOLUTIONS OF THE SENATE.

No.	TITLE.	Reported from Senate.	PROCEEDINGS THEREON.	Passed House.	OTHER PROCEEDINGS
13	A JOINT RESOLUTION authorizing the Governor to collect, by writ, from the Terre Haute and Indianapolis Railroad Company, all claims, dues and demands rightfully owing to this State.....	48, 68			
14	A JOINT RESOLUTION for creating another Judicial District for the District Court of the United States in Southern Indiana.....	68			
15	A JOINT RESOLUTION accepting and ratifying a certain amendment to the Constitution of the United States	598	599,	604	

BILLS OF THE SENATE.

No.	TITLE.	Reported from Senate.	PROCEEDINGS THEREON.	Passed House	OTHER PROCEEDINGS
200	A BILL creating the Twenty-Sixth Judicial Circuit, and fixing the times of holding courts therein, and fixing the time of holding the courts in the Fourth Judicial Circuit.....	.....	47, 63, 73, 147, 148.....	149	190
94	A BILL touching the consolidation of railroads, and declaring the effect of such consolidations.....	.....	47		
5	A BILL to amend the first section of an act to declare abandoned certain unfinished railroads, and to prescribe for their completion; to declare forfeited the franchisees of certain railroad companies, and for the assessment of the value thereof; for the organization of new companies, and for making annual settlements; approved March 11, 1867; and the failure of any company to have formed the preliminary organization contemplated by the first section of the act entitled "An act to provide for the organization of railroad companies," approved May 4, 1852, shall not invalidate such organization if otherwise in conformity with the same.....	.....	47, 205		
270	A BILL to provide for the payment of certain claims for ditching swamp lands out of the General Swamp Land Fund.....	.....	48, 349, 528		
202	A BILL to transfer the county of Brown from the First to the Second Judicial Circuit; to provide for the time of holding courts therein, and to repeal all laws in conflict with this act, and declaring an emergency.....	.....	48, 64, 74, 147, 150	567	603
146	A BILL to authorize turnpike companies to construct branch roads.....	.....	48, 421, 496, 561.....		
8	A BILL to prevent prize fighting in Indiana, defining the same, providing punishment thereof, and declaring an emergency.....	.....	48, 147		
83	A BILL to amend section 2 of an act entitled "An act making the register of sales of Michigan Road Lands, and certified copies of entries therein evidence, and declaring the effect thereof, and making the records and patents and certificates of purchase, and other evidence in writing of the sale of real estate, and certified copies of such records evidence, and declaring the effect thereof," approved March 9, 1859.....	.....	49, 79, 193, 201, 373.....	374	334
84	A BILL to repeal section 31 of an act entitled "An act concerning real property, and the alienation thereof," approved May 6, 1852.....	.....	49, 245.....	375	
95	A BILL to amend section 303 of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in courts in this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity.....	.....	49, 244.....		334
105	A BILL to repeal an act entitled "An act to amend an act in relation to County Treasurers, approved June 4, 1852, and declaring an emergency," approved March 6, 1865.....	.....	49, 247		
110	A BILL to create the Twenty-fifth Judicial Circuit, providing for the	.....		

131	appointinent and election of a Judge and Prosecuting Attorney there- in, and providing for their compensation, declaring the jurisdiction of the courts in said Circuit, and providing for a transfer of actions thereto.....	49, 181, 182, 183.....	184	189, 195
217	A BILL to legalize and declare valid and effectual all the orders, judg- ments and proceedings made, rendered and had, and held by and be- fore the Court of Common Pleas of White county, in this State, be- ginning and held at the Court-house, in the town of Monticello, in said county, on the 23d day of March, 1868, and continuing from day to day for two weeks thereafter, and declaring an emergency.....	50, 80.....		
211	A BILL regulating the fees of county officers, and declaring an emergency.....	50.....		
30	A BILL defining what counties shall constitute the Eighth Judicial Circuit, and fixing the times of holding the courts therein.....	50, 131, 343, 344, 376, 378.....		
64	A BILL providing for the collection of forfeited recognizance.....	50.....		
	A BILL authorizing voluntary associations formed under an act enti- tled "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto, passed February 12, 1856, and to acquire title to lands that have heretofore been used as burial places.	50, 61, 212, 483.....	487	507, 603, 604 ¹
223	A BILL appropriating the sum of fifteen thousand dollars for the com- pletion of the building now occupied by the Officers of State and Su- preme Court, and belonging to the State, and for paving the sidewalks fronting and around the same.....	61, 200.....		
234	A BILL to legalize and declare valid the acknowledgment of certain deeds of conveyance, and other instruments in writing which have been recorded in any of the Recorders' offices of the several counties of this State, and which, by reason of certain informalities in the cer- tificates of acknowledgment or the authentication thereof, were not entitled to record.....	62, 200.....		
238	A BILL to amend section 200 of chapter 1, of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, ap- proved June 18, 1852, and declaring an emergency.....	62, 245, 367, 368.....		
89	A BILL to amend an act entitled "An act to enable the owners of wet lands to drain and reclaim them, where the same can not be done with- out affecting the lands of others; prescribing the powers and duties of County Boards and County Auditors in the premises, and repealing all laws inconsistent herewith, approved March 11, 1867, by amend- ing sections 3, 4, 5, 6, 9 and 11, and adding section 16 to provide for enter- ing satisfaction of liens acquired under said act.....	62, 134, 154, 475, 515.....		
239	A BILL authorizing the classification of the Board of Directors of rail- road companies.....	62, 241, 242.....	480	603, 604
255	A BILL to save pending suits affected by the passage of the Act of 1865, and to repeal sections 43 and 44 of the Will Law of 1852.....	62, 305, 472, 473, 475, 477, 479, 497.....	605	603
286	A BILL supplemental to an act entitled "An act to incorporate the Franklin Ins. Co., approved Feb. 13, 1852, authorizing said company to change its place of business, to increase its capital stock, and con- tract for and increase the rate of interest established by law.....	63, 383, 435, 483.....	483	603, 604

BILLS OF THE SENATE.—Continued.

No.	TITLE.	Reported from Senate.	Proceedings Thereon.	Passed House.	Other Proceedings.
161	A BILL to provide for the organization of Savings Banks, and the safe and proper management of their affairs.....	.....	63, 108, 147, 152, 240, 332.....	333	354, 378, 430, 511, 512
247	A BILL fixing the times of holding Circuit Courts in the Fifth Judicial Circuit, prescribing the length of terms thereof, and repealing all laws in conflict herewith.....	.....	64, 73.....		
279	A BILL to reorganize the Ninth Judicial Circuit, providing for the times of holding courts therein, repealing all laws in conflict therewith, and declaring an emergency.....	.....	64, 65.....		
48	A BILL providing for the protection of the banks of water courses, by securing the bushes growing along said banks from the ravages of stock.....	.....	64, 114.....	65	
17	A BILL to regulate the sale of patent rights, and to prevent frauds in connection therewith.....	.....	65.....	66	114
88	A BILL to amend section 16 of an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855.....	.....	66.....	67	114
81	A BILL to legalize the appraisement of the real estate of the State of Indiana made in 1854, and declaring an emergency.....	.....	67.....		
231	A BILL to amend section 2 of an act to provide for a State Debt Sinking Fund, approved December 21, 1865, making the Governor a member of the Board of State Debt Sinking Fund.....	.....	67.....	68	114
90	A BILL to amend the 34th subdivision of section 53 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities".....	.....	80, 114.....		
60	A BILL providing for the collection of forfeited recognizances.....	.....	81.....		
320	A BILL to amend the 1st section of an act to fix the time of holding the Courts of Common Pleas in the Fifth Judicial District, repealing all other laws in conflict on the same subject, approved February 9, 1867, legalizing the acts of certain of said Courts, repealing the acts on the same subject, approved February 24, 1869, and declaring an emergency.....	.....	125.....	127	214
328	A BILL to prescribe the places at which the several District Boards of Equalization shall meet in the several Congressional Districts as now constituted.....	145	146.....		
85	A BILL to amend the 60th section of an act entitled "An act to repeal all general laws in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.....	146	147.....		
100	A BILL to amend the 6th section of an act for the relief of the Indiana				

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316	University, and to increase and extend its benefits by providing for the sale of the lands granted by the United States for the use of the said University, regulating the application of the proceeds of the sales thereof, and prescribing the duties of the officers therein mentioned in relation thereto, approved March 2, 1839.	146	370		
317	A BILL relative to residence of parties plaintiffs, and regulating the service of summons on defendants in divorce cases, and repealing all laws in conflict therewith.	270	305, 563		603, 604
51	A BILL providing against fraud and corruption in procuring divorces in the courts of this State, declaring the same a felony, and providing a punishment therefor.	270	305, 566		
338	A BILL to amend section 9, and repealing part of an act entitled "An act concerning partition of lands," approved May 20, 1852.	317			489
351	A BILL defining what counties shall constitute the Tenth Judicial Circuit, and fixing the time of holding the courts therein.		321, 322, 362, 372		373
	A BILL to legalize certain proceedings of the Wayne Criminal Circuit Court.	336			
156	A BILL accepting certain donations from John Perrine and others, and locating and naming the College contemplated by the Act of Congress, approved July 2, 1832, providing for its organization and management, adding a member to the Trustees of the Indiana Agricultural College, and changing the corporate name of said Trustees, and declaring an emergency.	351	395, 399, 403, 411		411 428
337	A BILL to make appropriations for certain purposes, and upon certain conditions therein expressed, and making provisions for the current expenses of the B-movulent Institutions of the State, in cases where the State fails to make the necessary appropriations therefor.	352	351		353 511, 513
215	A BILL to authorize aid to the construction of railroads by counties and townships taking stock in, and making donations to railroad companies.	350	379, 391, 415		416 511, 519
134	A BILL to authorize and encourage the construction of levees, dikes and drains, and the reclamation of wet and overflowed lands by incorporated associations, and to repeal all former laws relating to the same subject.	376	438, 475, 479		481 503, 603
210	A BILL to amend an act entitled "An act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children," approved May 6, 1852.		379		
205	A BILL authorizing the assessment of lands for plank, macadamized, and gravel road purposes, and prescribing the manner of assessing and collecting the same, and repealing the law on that subject approved March 14, 1867.	389			
120	A BILL to provide for the government and discipline of the State Prisons, for the oversight of County Jails, and to repeal all other laws or parts of laws inconsistent herewith.		425		
175	A BILL defining who shall be competent witnesses in any court or judicial proceedings in this State, and to repeal all laws in conflict with the provisions of this act.				
191	A BILL, enabling cities and towns to build, improve, and keep in repair roads leading to cemeteries owned or used by the inhabitants of cities.	453			

BILLS OF THE SENATE—Continued.

No.	TITLE.	Re-ported from Senate.	PROCEEDINGS THEREON.	Passed House.	OTHER PROCEEDINGS
45	or towns, or owned by a city or town, and to annex such road to such city or town, and defining the duties of certain officers.....	453			
220	A BILL relating to the salaries of the Judges of the Supreme, Circuit, and Common Pleas Courts, and providing for the salaries of Prosecuting and District Attorneys, and declaring an emergency.....	453	454, 475		
258	A BILL authorizing parties losing money or valuable property at gambling or betting, to sue for and recover the same of parties winning such money or valuable property.....	454			
261	A BILL to allow partnerships to bring and maintain suits in their adopted names in certain cases.....	454			
118	A BILL to allow cities and incorporated towns within this State to erect buildings for fire, and other municipal purposes, on docks and wharves in certain cases.....	454			
148	A BILL to amend the 16th section of an act entitled "An act to provide for contesting any State, district, circuit, county or township office, approved May 4, 1852; to provide relief in cases of contests erroneously commenced by reason of the misprint of said 16th section, and to provide for taking depositions in all contests for circuit and district offices.....	455			
149	A BILL to legalize the acknowledgment of all deeds, mortgages and other instruments required to be recorded, taken and certified by notaries public, who took and certified such acknowledgments after the expiration of their commissions.....	455	456		
162	A BILL to amend the 17th section of an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1865.....	455	456, 516		
167	A BILL to provide for the service of process upon railroads.....	455	456, 516		
172	A BILL providing for the establishment of election precincts, and prescribing the duties of county commissioners in relation thereto.....	455	456, 516		
173	A BILL to exempt burial grounds from lien or sale, on execution or other process.....	455	456, 559		
122	A BILL to change the corporate name of the Widows' and Orphans' Asylum of Indianapolis.....	455	456		
167	A BILL supplemental to an act to authorize cities and towns to negotiate, and sell bonds to procure means with which to erect and complete unfinished school buildings, and pay debts contracted for erection of such buildings, and authorize the levy and collection of an additional special school tax for the payment of principal and interest of such bonds, approved March 11, 1867.....	455	456		
167	A BILL to amend section four of an act entitled "An act for the incor-	457			

230	poration of manufacturing and mining companies, and companies for mechanical, chemical, and building purposes," approved May 20, 1852.	457	458	522	525, 261.
	A BILL to amend section four of an act approved February —, 1852, entitled "An act appointing commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided, and matters properly connected therewith."	457	458, 521		
75	A BILL to protect the citizens of Indiana from empericism, and elevate the standing of the medical profession	457	458, 514, 541, 568		
285	A BILL to amend section one of an act entitled "An act to incorporate the University of Notre Dame du Lac, at South Bend, St. Joseph county, Indiana," approved January 15, 1844	457	458		
181	A BILL to amend section three hundred and forty-three of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of practice and pleading without distinction between law and equity," and to declare an emergency	459			
184	A BILL to amend the nineteenth section of an act approved June 10th, 1852, entitled "An act defining felonies, and prescribing punishment therefor."	459			
188	A BILL providing for the sale of certain lands belonging to the State of Indiana in the county of Clay	459			
194	A BILL to make an appropriation for payment to the Sinking Fund, of money advanced to pay the expenses of the erection of the buildings for the use of the Supreme Court and Officers of State	460	461, 517	518	603, 604.
205	A BILL to revise and amend the 79th section of an entitled "An act to repeal all general laws now in force for incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1847	460	461.		
210	A BILL to define certain offenses therein mentioned, and to prescribe punishment therefor, and to suppress the usurpation of the functions of the Judiciary, in the punishment of real or pretended offenses	460	461.		
323	A BILL to legalize the solemnization of marriages, taking and certifying acknowledgments of deeds, mortgages, and other instruments, and all other acts which by law are authorized to be done and performed by Justices of the Peace, solemnized, taken and certified to, and done and performed by Union Singers, a Justice of the Peace, within and for Centre Township, Hendricks county, Indiana, after the expiration of his commission as Justice of the Peace, which expired on the 24th day of December, 1848	460	461, 560.		
120	A BILL providing for the re-organization and government of the State Prison, and repealing all laws in conflict therewith	460	462.		
246	A BILL to amend section four, thirteen, and fifteens of an act entitled "An act to establish a home for sick and disabled soldiers and seamen," etc	483	484	486	519, 603.
352	A BILL to fix the time of holding the Common Pleas Courts in the several counties of the Fifteenth Common Pleas District, the duration of				

BILLS OF THE SENATE—Continued.

No.	TITLE.	Reported from Senate.	Proceedings Thereon.	Passed House.	Other Proceedings
42	the terms thereof, making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws in conflict therewith.....	492	.		
43	A BILL to authorize railroad companies to sell, lease, or otherwise dispose of, and to contract for the use of their roads, franchises and property, or any part thereof, and authorizing railroad companies to aid other railroad companies in the construction and equipment of their roads	494	495, 514.		
49	A BILL to amend an act to authorize, regulate and confirm the sale of railroads, to enable purchasers of the same to form corporations and to exercise corporate powers, and to define their rights, powers and privileges, to enable such corporations to purchase and construct connecting and branch roads, and to operate and maintain the same, approved March 3, 1853, and extending the provisions of the said act to other railroad companies.....	494	495, 514.		
249	A BILL to provide for the construction and maintenance of fish ladders, and providing penalties for the violation of the same.....	494			
253	A BILL to enable the several Criminal Circuit Courts of this State to try and determine suits upon certain forfeited recognizances, defining the duties of Prosecuting Attorneys in the premises.....	501			
247	A BILL to organize and establish Criminal Courts in and for the counties of Laporte and St. Joseph, to provide for the election and compensation of Judges and Prosecuting Attorneys therefor, to define the jurisdiction of said Courts, and to provide for the transfer of actions and business thereto.....	501			
248	A BILL making provision for the citizens of any town, where the plat of the town has been recorded, containing a public donation or grant of a block, public square, or lot of ground, for the public use, without any particular object specified in said plat, may make application to the Board doing county business to dedicate the same for school purposes on petition and notice thereof.....	501			
276	A BILL for the relief of the heirs of Patrick Donovan, deceased.....	504			
308	A BILL defining what counties shall constitute the First Judicial Circuit, and fixing the time of holding the courts therein.....	504			
278	A BILL concerning appeals in cases of contempt.....	505			
284	A BILL to provide for the erection and repair of any bridge across streams forming the boundary line between two counties, and to repeal all laws inconsistent therewith.....	505			
293	A BILL to amend the thirty-fifth section of an act defining felonies, and prescribing punishment therefor, approved June 10, 1852.....	505			
		574.....		575	603, 604

330 A BILL to amend the first section of an act entitled "An act to em- power railroads to build branches to neighboring coal mines," ap- proved December 19, 1865.....	573	572.....	574 ²⁷	803
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